

## HOW TO APPEAL

The appeal process provides you with an opportunity to have your eligibility decision reconsidered by an official who was not involved in the initial determination. At the hearing, you may explain why the Pierce Transit decision may have been incorrect. Applicants who receive temporary, conditional 3B, or are found not eligible may appeal.

### If you wish to appeal, you must:

- File a written appeal request with Pierce Transit within 60 calendar days of the date on your determination letter.
- If you require special accommodations, you will need to request those in advance.
- If you are unable to submit your appeal in writing due to your disability and have no one to assist you, please contact our office by calling 253.581.8000.
- Allow adequate time to ensure a letter is received by Pierce Transit by the deadline.

**Mail** your appeal request to:

ADA Eligibility Department, Pierce Transit  
3701 96<sup>th</sup> St SW  
Lakewood WA 98499-4431.

- Pierce Transit will send you written notice of your scheduled hearing date upon receiving an appeal request.
- Provide Pierce Transit ADA eligibility staff with at least 72 hours of advance notice if you need to cancel or reschedule your appeal hearing. You will be provided only one opportunity to request that the hearing be rescheduled on showing of good cause.
  - **Failure** to meet the 72-hour deadline, without good cause as determined by the hearing examiner(s), may result in completion of the appeal hearing without you.
  - **If you don't attend your scheduled hearing and don't provide notification beforehand, your appeal process will end at that point.**
  - When rescheduling is approved, Pierce Transit will assign a new appointment that you must keep or your appeal process will end at that point.

### If you appeal, you have the right to:

- Request a copy of your eligibility file.
  - You may bring a friend, family member, or advocate to help you present your case.
  - **If you will be represented by an attorney, you must notify Pierce Transit at least 3 business days prior to your appeal hearing in order to allow Pierce Transit to determine whether its legal counsel should also participate in the hearing. Less than 3 business days may require rescheduling of the hearing.**
- You may ask questions about the information presented by Pierce Transit.



- Present witnesses and introduce documentation and other physical evidence consistent with and directly connected to the claims in the application you submitted.
  - Introduction** of new information or newly claimed limitations may, at the discretion of the hearing examiner(s), result in a new application process rather than an appeal, affording Pierce Transit the opportunity to review the new information and to make a new eligibility determination.
- Present oral information and written documents to the appeal hearing examiner(s).
- If the appeal involves a proposed termination or reduction in SHUTTLE service, as a result of required recertification, you shall have the right to continue to receive your former level of service pending the issuance of the appeal hearing examiner's final written decision in the case.
  - Except** when you originally received presumptive or temporary eligibility or when your eligibility lapsed due to late response to required recertification, or when the hearing has been delayed or rescheduled at your request.

### What you can expect:

- The appeal hearing is approximately a 30 minute meeting.
- The appeal hearing examiner(s) manage the hearing process.
- The hearing will be recorded.
- Pierce Transit's decision-maker will provide a brief summary of the initial determination and will be available to answer any questions you or the hearing examiner(s) may have.
- You will have an opportunity to explain how your disability prevents or limits your use of the fixed route bus system.
- The appeal hearing examiner(s) may ask you additional questions.
- The appeal hearing examiner(s) will make an eligibility determination based solely on the documentary evidence, observations, and testimony presented at the appeal hearing, along with his/her observations, professional expertise, and knowledge.
- The appeal hearing examiner(s) will issue a written decision setting forth the reasons for the decision within 30 days of completing your appeal. The appeal hearing examiner's decision is final for this eligibility determination.
- You will receive the result of the appeal hearing in writing from Pierce Transit within 30 days of completing your appeal.
- You will not receive an upgrade in SHUTTLE service pending the completion of your appeal.
  - Except** when the hearing examiner(s)' decision has not been issued within 30 days of completing your appeal. In this instance, Pierce Transit will provide you with presumptive service until a decision is issued by the hearing examiner(s).

In some instances, either Pierce Transit or the appeal hearing examiner(s) may require your participation in a physical or cognitive functional assessment. Functional assessments, when required by Pierce Transit, are mandatory. Failure or refusal to fully participate in a required functional assessment may result in an incomplete application process with no decision about eligibility. Pierce Transit will provide you with details when required.

If your eligibility has been reviewed and decided by the examiners, the eligibility decision is final for that application. If your condition changes, you may re-apply. In the case of an adverse appeal hearing examiner decision, you have the right to seek outside, independent advice regarding your legal rights.

Please note that appeal hearings are held in person, however, during a public health emergency, appeals may be held virtually or by phone. Each case will be assessed individually to ensure the most effective method for the appellant; modifications will be made as appropriate.