



GUAM REGIONAL TRANSIT AUTHORITY

Government of Guam

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GRTA Paratransit Eligibility Determination Appeal Procedure

Department: GRTA ADA Paratransit Eligibility Certification Section

Scope: This procedure applies to GRTA ADA Paratransit Eligibility Certification Section, paratransit applicants who were found not eligible for paratransit or found eligible with specific conditions who are seeking appeals of those decisions, and GRTA Appeals Panel (the appeals panel shall consist of 5 individuals from the human services agencies of Government of Guam)

Purpose: To establish GRTA paratransit eligibility determination appeal procedure

Procedure:

Individuals found not eligible for paratransit or found eligible with specified conditions, may request an appeal of those decisions. This document outlines the steps for requesting an appeal and the procedure governing the appeal process.

Requesting an Appeal

An appeal must be requested in writing within sixty (60) days of the date that the customer receives the decision being appealed. For purposes of this requirement, GRTA assumes that the individual will have received the decision no later than five (5) days from the date the decision was mailed. The sixty-day appeal period begins to run on the sixth day following the date the decision was mailed.

A request for appeal should be mailed to: **Guam Regional Transit Authority**
P.O. Box 2896
Hagatna, GU 96932

Or faxed to: **(671) 475-4600**

GRTA eligibility staff is responsible for receiving requests for appeal of eligibility determinations. GRTA staff shall promptly advise the Appeals Panel of a request for an appeal hearing, shall coordinate an appeal date and time with the paratransit customer and the Appeals Panel, and shall reserve sufficient time for the hearing.

GRTA staff shall notify the individual in writing of the date, time and location of the appeal hearing. If necessary, GRTA staff shall arrange for the individual to received GRTA transportation to and from the place of hearing at no charge.

Appeal with Hearing

Prior to Hearing:

Individuals may request copies of documents and information relating to the decision the customer is appealing. The Appeals Panel or its designee shall promptly consider and decide all requests for documents and information. Documents and information shall be provided if

the documents or information are relevant to the decision being appealed or are likely to assist the Appeals Panel in deciding the appeal.

Individuals may request the appearance of other individuals who have knowledge of information relevant to the decision the individual is appealing. The Appeals Panel or its designee shall promptly consider and decide all requests for the appearance of witnesses, considering the witness's relevance to the decision being appealed or the likelihood that the witness will assist the Appeals Panel in deciding the appeal. The Appeals Panel or its designee shall notify the individual of its decision in writing.

Individuals may submit no later than three (3) days in advance of the appeal hearing written arguments, evidence and any other information they wish the Appeals Panel to consider in advance of the hearing.

At Hearing

Individuals may represent themselves at hearing, or may be represented by an attorney, paralegal or legal assistant, caseworker, care provider, or other person designated by the individual to present the individual's case.

The parties may present documents and offer other oral, written or recorded information to support their respective positions or to respond to each other's positions. GRTA shall present its position first, then the individual may present next. As required or appropriate, the parties shall be permitted to present additional documents.

The Appeals Panel may for good cause continue a hearing or permit the post-hearing submission of additional evidence, information and arguments. If a continuance or post-hearing submission is permitted, the Appeals Panel shall promptly advise the parties of the date, time and location of the continued hearing or the date by which the post-hearing submission must be received by the Appeals Panel.

The hearing shall be electronically recorded.

Appeal without Hearing

If the individual declines an in-person appeal hearing, GRTA staff shall inform the individual of the date by which the individual must submit to GRTA any written materials the individual wishes the Appeals Panel to consider in determining the individual's appeal. Extensions of this date may be allowed for good cause.

Following the submission date, the Appeals Panel shall review the individual's file and written submissions, if any, and decide the matter. The Appeals Panel may uphold or overturn the eligibility determination, modify the eligibility determination, impose conditions upon eligibility, or take any other appropriate action to decide the matter.

Evidentiary Burden and Standard

GRTA shall have the burden of demonstrating that the individual's eligibility for paratransit service was appropriately determined. This burden must be satisfied by a preponderance of all the evidence submitted in connection with the appeal or otherwise in the customer's record. The standard of admissibility for evidence and information presented in connection with an appeal shall be whether the evidence or information is of the type that a reasonable person would rely upon in making decisions about their personal affairs.

Notification of Decision

The Appeals Panel shall notify the individual of its decision and the reasons for its decision in writing, within thirty (30) days of the date of the appeal hearing or, if the individual declined hearing, of the date on which the Appeals Panel reviewed and considered the matter.

If no decision is made on an appeal of eligibility determination within thirty (30) days of the date of the appeal hearing or date of appeals panel consideration, the individual will be eligible for GRTA paratransit service as of the 31st day, until and unless a decision otherwise is rendered by the Appeals Panel.

Effective Date: January 5, 2015

Approved By: _____/S/
ENRIQUE AGUSTIN
GRTA's Executive Manager