

LIFT Paratransit Appeal Procedure

Individuals found not eligible for LIFT paratransit or eligible but with specified conditions, and LIFT customers whose service is suspended, may request an internal administrative appeal of those decisions. This document outlines the steps for requesting an appeal and the procedure governing the appeal process.

Requesting An Appeal

Appeals 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, TriMet 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.

Requests for appeals should be mailed to:

TriMet LIFT Program
PO Box 10707
Portland, OR 97296-0707

Or faxed to

(503) 802-8229

Or called in to:

Phone: (503) 802-8200
TTY: (503) 802-8058

LIFT staff is responsible for receiving requests for appeals of service suspensions. LIFT staff shall promptly advise the Appeals Panel of a request for an appeal hearing, shall coordinate an appeal date and time with the LIFT customer and the Appeals Panel, and shall reserve sufficient time for the hearing. LIFT staff shall notify the individual in writing of the date, time and location of the appeal hearing. If necessary, LIFT staff shall

arrange for the individual to receive LIFT transportation to and from the place of hearing.

Requesting A Stay of A Service Suspension

A customer may request a stay of a service suspension pending determination of the customer's appeal of that suspension. Requests for stay must be submitted in writing and must demonstrate good cause for granting the stay. The Appeals Panel shall review all requests for stay and shall promptly determine whether or not good cause exists for a stay or other modification of the service suspension pending determination of the customer's appeal.

Appeal with Hearing

Prior to Hearing:

Customers may request copies of documents and information relating to the decision from which 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.

Customers may request the appearance as witnesses the LIFT or ATP personnel involved in the facts giving rise to appeal or who have knowledge of information relevant to the decision from which the customer 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 customer of its decision and of the availability of witnesses in advance of the hearing.

Customers 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:

Customers 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 customer to present the customer's case.

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

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

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

Evidentiary Burden and Standard

TriMet shall have the burden of demonstrating that the individual's eligibility for paratransit service was appropriately determined or that the customer's service was suspended for appropriate cause and in accordance with the procedures for service suspension. 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 customer 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 customer 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 LIFT service as of the 31st day, until and unless a decision otherwise is rendered by the Panel.