

### **Paratransit No-Show Policy**

A no show occurs when a passenger misses a scheduled pick-up without notifying Wave Transit at least one hour in advance of the scheduled pick-up time. In order to ensure timely service for all passengers, passengers who no show for 25% of their trips within a thirty (30) day period, provided they had at least eight (8) reservations during that period, will be subject to progressive service suspensions. For the first offense, the passenger will receive a warning letter. For the second offense, the passenger will be suspended from using the DART service for five (5) days. For the third offense, the passenger will be suspended from using the service for fourteen (14) days. For the fourth offense and all remaining offenses, passengers will be suspended from using the service for thirty (30) days. Passengers will not be responsible for no-shows caused by circumstances beyond their control. Notice of discipline will be made in writing and mailed to the passenger's last known address at least twenty-one (21) days prior to the start of the suspension period.

### **Wave Transit ADA Certification Program**

To apply for ADA paratransit services (DART), applicants may obtain an application in person, from our website, or by mail to their home address upon request. After completing the application, including a section to be completed by a licensed health care professional, the application can be mailed, faxed, or returned to Wave Transit. Eligibility is reviewed by the Paratransit Manager or designee and the decision is made in reference to current ADA regulations and company policy. Notice of the decision is made in writing within 21 days of receipt of the application and mailed to the address last provided by the applicant, regardless of the outcome of the decision. Applicants who are determined to be eligible are also given information concerning how the paratransit system functions. Passengers are eligible to receive transportation services as soon as the application is deemed eligible. Eligibility is approved for a period consistent with the specifics of the applicant's situation, for a maximum of two (2) years. Prior to a passenger's eligibility expiring, Wave Transit will mail a written notice to recertify to the passenger's last known address. If a passenger fails to recertify prior to the expiration of their services, they will not be eligible to use paratransit services until their recertification is approved. Passengers may reapply any time after the expiration of their eligibility.

### **Appeal Process**

#### **Wave Transit ADA Certification Program and No Show Policy**

49 Code of Federal Regulations (CFR) Part 37.125 provides that "a Transit agency must establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial." An appeal must be in writing and shall state the name, address and telephone number of the individual making the appeal, the type of appeal and the reason for the appeal. An appeal must be filed to the attention of the following: Paratransit Manager, Wave Transit, P.O. Box 12630, Wilmington, NC 28405 within fifteen (15) days of the date of denial of an individual's application for paratransit service or notice of suspension of paratransit service.

### **Initial Decision**

The initial determination of disabled eligibility is made by the Wave Transit Paratransit Manager, and the initial decision for suspension or termination of transportation services is determined by the Wave Transit No-Show policy. Any appeals from these determinations are to follow the appeal process.

### **Appeal Process**

The appeal process shall apply to situations where an individual has requested an appeal after being denied eligibility for service or having had service suspended or terminated. The applicant for appeal will have an opportunity to be heard and to present documents and arguments. The appeal hearing shall be before objective decision makers, the Appeals Board, such that separation of functions is maintained (i.e. a decision by a person not involved with the initial decision to deny, suspend or terminate paratransit service). In response to the appeal, Wave Transit will submit to the Appeals Board the reasons for denial, suspension or termination of service and any supporting documents. (Note: Wave Transit is not required to, and will not, provide Paratransit service to the applicant pending the appeal except as set forth herein). However, if a decision has not been made within thirty (30) days of the date of the appeal hearing, Wave Transit will provide paratransit service from that time until a decision is made by the Appeals Board that denies, suspends or terminates service.

### **Types of Appeals**

- **Category 1**-Denial of Disability Certification  
Category 1 appeals relate to individuals who have been denied eligibility for service after applying or reapplying for disability certification.
- **Category 2**-Transportation Eligibility Suspension  
Category 2 appeals relate to individuals who have misused paratransit services and their service has been suspended.

### **Appeals Board**

The Appeals Board for Wave Transit will be made up of a Committee of Executive Staff and/or Authority Board Members appointed by the Cape Fear Public Transportation Authority. The Committee shall hear and decide appeals. The members of the Authority are appointed by the Wilmington City Council and the New Hanover County Board of Commissioners.

### **Appeals Board Meeting Schedule**

Appeals will be heard prior to the regularly scheduled meetings of the Cape Fear Public Transportation Authority.

If an applicant files an appeal, and more than thirty (30) days pass before the appeal is heard by the Appeals Board, the applicant will receive paratransit service beginning on the 31<sup>st</sup> day after the filing the appeal and continue to receive service until the Appeals Board renders a decision that denies, suspends or terminates service.

### **Appeals Board Decision**

The Appeals Board may uphold, reverse, wholly or partly, or may modify the initial denial, suspension or termination of paratransit service.

The decision of the Appeals Board must be in writing and must state the full name of applicant, whether the applicant is “eligible” or “not eligible” for paratransit service and the reasons therefore, the name of the transit agency, the name and telephone number of the paratransit coordinator, an expiration date for eligibility, and any conditions or limitations on the applicant’s eligibility including the use of a personal care attendant. The written decision will be mailed to the applicant within five (5) working days following the decision.

The decision of the Appeals Board is a final decision for the Cape Fear Public Transportation Authority, and the applicant will be allowed to reapply for paratransit services only if there is a significant change in their situation.

Adopted at a regular meeting on  
April 24, 2014

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David R. Scheu, Chairman

Attest:

(seal)

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Don Betz, Secretary