

ADA COMPLAINT PROCEDURES

Complaints

Any person who believes himself/herself or any specific class of individuals to be harmed by failure to comply with [Part 27] may, personally or through a representative, file a written complaint with the responsible Departmental official. A Complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Departmental official or his/her designee.

Investigations

The responsible Departmental official or his/her designee makes a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with [Part 27]. The investigation includes, where appropriate, a review of the pertinent practices and policies of the recipient, and the circumstances under which the possible noncompliance with [Part 27] occurred.

Resolution of matters

If, after an investigation pursuant to paragraph (c) of this section, the responsible Departmental official finds reasonable cause to believe that there is a failure to comply with [Part 27], the responsible Departmental official will inform the recipient. The matter is resolved by informal means whenever possible. If the responsible Departmental official determines that the matter cannot be resolved by informal means, action is taken. If an investigation does not warrant action pursuant to paragraph (d)(1) of this section, the responsible Departmental official or his/her designee so informs the recipient and the complainant, if any, in writing.

When a complaint of an ADA violation is received by the CAT office, it is then forwarded to the ADA Coordinator. The ADA Coordinator will determine the action needed in order to resolve the complaint. If the complaint cannot be resolved, the ADA Coordinator will present the issue to the Advisory Committee for resolution.

The process for filing a complaint, including the name, address, telephone number, and email address of the ADA Coordinator, will be sufficiently advertised to the public on CAT's website. The procedures must be accessible to and usable by individuals with disabilities; CAT will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant and must ensure that it has documented its response

CAT's administrative appeal process is:

(1) CAT may require that an appeal be filed within 60 days of the denial of an individual's application.

(2) The process shall include an opportunity to be heard and to present information and arguments, separation of functions (i.e., a decision by a person not involved with the initial decision to deny eligibility), and written notification of the decision, and the reasons for it.

CAT is not required to provide complementary paratransit service to the appellant pending the determination on appeal. But if it has not made a decision within 30 days of the completion of the appeal process, the agency is obligated to provide service until and unless it issues a decision to deny the appeal.

Once a decision is made, obligates CAT to provide appellants with written appeal decisions (in accessible formats as appropriate) with specific reasons for the decision provided, similar to the level of detail provided in the initial determination letter.