

***This document reflects revisions to The COMET's No-Show, Suspension and Appeal Policies. This document supersedes all other information disseminated earlier. (Effective 8/30/18)***

## **No-Shows and Suspensions**

### **No-Shows and Late Cancellations**

The COMET has developed a policy and administrative process for addressing no-shows and late cancellations for DART service.

A “no-show” occurs when a DART customer:

- is not at the requested pick-up address, and the van operator is unable to locate the customer; or
- is not ready to board the vehicle within five (5) minutes of the vehicle's arrival within the pick-up window; or
- has not called to cancel the trip a minimum of two (2) hours before the scheduled pick-up time.

No-shows cost DART and taxpayers thousands of dollars each year, and inconvenience other paratransit customers who participate in the shared-ride service. Continuous no-shows by the same customer can result in suspension of service.

If a customer has requested a trip and is unable to ride, it is his/her responsibility to cancel the scheduled trip. Trips missed by an individual for reasons beyond his/her control (including, but not limited to trips which are missed due to illness, doctor's office canceling, death, hospitalization of an individual appointment with less than two-hour notification, family emergency, van operator error) shall not be the basis for determining that such a pattern or practice exists or grounds for sanctions.

### **No-Show Suspension Policy**

DART may suspend for a reasonable period of time, customers who establish a pattern or practice of missing scheduled trips (no-shows). Trips missed by a customer for reasons beyond his or her control (including trips missed due to a transit agency error or lateness) will not be a basis for determining that a pattern or practice exists.

- Within a 30-day period, six (6) or more no-shows will be grounds for the suspension of service if the number of no-shows constitutes 10% or more of the customer's completed trips. Only no-shows that are within the customer's control will be counted toward the policy. All records will be reviewed thoroughly prior to suspension.
- For the first no-show within the 30-day period: DART will contact the customer by telephone to determine the reason for the no-show and emphasize the importance of notifying DART of changes in the travel schedule.

- For the second no-show within the 30-day period after the first occurrence: DART will notify the customer by mail of the time and date of the no-show and warn that any additional no-shows may result in suspension of service.
- For the third no-show within the 30-day period after the second occurrence: DART will review the customer's travel record. If the no-shows constitute 10% or more of the customer's completed trips, DART will proceed to suspend its service for three days. If the no-shows do not constitute 10% or more of the customer's completed trips, DART will follow the procedure stated for the second no-show.
- For the fourth no-show within the 30-day period after the third occurrence: DART will review the customer's travel record. If the no-shows constitute 10% or more of the customer's completed trips DART will proceed to suspend its service for five days. If the no-shows do not constitute 10% or more of the customer's completed trips, DART will follow the procedure stated for the second no-show.
- For the fifth no-show within the 30-day period after the fourth occurrence: DART will review the customer's travel record. If the no-shows constitute 10% or more of the customer's completed trips DART will proceed to suspend its service for seven days. If the no-shows do not constitute 10% or more of the customer's completed trips, DART will follow the procedure stated for the second no-show.
- For the sixth no-show within the 30-day period after the fifth occurrence: DART will review the customer's travel record. If the no-shows constitute 10% or more of the customer's completed trips DART will proceed to suspend its service for fourteen days. If the no-shows do not constitute 10% or more of the customer's completed trips, DART will follow the procedure stated for the second no-show.
- Loss of subscription service takes effect after the seventh and subsequent violations in a rolling 12-month period and will not be removed until the customer has three consecutive months without any no-shows or late cancellations.

The following chart provides a condensed outline of the violations noted above for customers who show a pattern and practice of no-shows.

<b>Consequences for Pattern and Practice of No-Shows</b>	
<b>Occurrence</b>	<b>Action</b>
1 <sup>st</sup> Violation	Phone Call
2 <sup>nd</sup> Violation	Written Warning
3 <sup>rd</sup> Violation	3-day suspension
4 <sup>th</sup> Violation	5-day suspension
5 <sup>th</sup> Violation	7-day suspension
6 <sup>th</sup> Violation	14-day suspension
7 <sup>th</sup> and Subsequent Violations	30 days and/or loss of Subscription Service

## **Warning and Suspension Notifications**

Suspensions will be preceded by a written notice of DART's intent to suspend service. This notice, mailed by certified letter, will inform the customer of the basis for the suspension and provide notice of the right to appeal the suspension. All suspensions will be scheduled to begin at least 15 calendar days after receipt of the suspension to allow the customer an opportunity to present information relevant to the pending suspension.

## **Appeals**

### **Appeal Categories**

An individual who will be defined as "customer" can appeal his/her ADA paratransit eligibility status or no-show suspension determination based on the categories below:

- Denial of eligibility for DART paratransit service;
- Disagreement with conditional or temporary eligibility for DART paratransit service;
- Suspension of DART paratransit service due to no-shows or incidents of violent or threatening behavior.

### **Requesting an Appeal**

The customer may file an appeal in writing and provide information to The COMET using an Appeal Request Form. The form can be obtained by contacting the Compliance and Civil Rights Officer via email at [arlene.prince@catchthecomet.org](mailto:arlene.prince@catchthecomet.org) or by telephone at 803-255-7129. Information on the form will consist of the following:

1. Name, mailing address, and daytime telephone number;
2. An option to submit additional information for review or choosing to appeal in person.

The request for an Appeal must be received by The COMET no later than close of business (4:30 pm) on the 60<sup>th</sup> calendar day after the date that the customer receives the decision being appealed. For purposes of this requirement, The COMET assumes that the customer will have received the decision no later than five calendar days after the date the decision was mailed to the customer's address on record. The COMET mails all determination decisions via USPS first-class mail.

The 60-day appeal period begins to run on the sixth calendar day after the date the decision was mailed. For example, if the decision was mailed on June 1, the 60-day appeal period begins to run on June 6 and expires on August 4. The customer will timely mail a request for appeal by any of the following methods:

Postal Mail: The COMET Administrative Appeal Process  
c/o Compliance and Civil Rights Officer  
3613 Lucius Rd, Columbia, SC 29201

Email: [arlene.prince@catchthecomet.org](mailto:arlene.prince@catchthecomet.org)

Fax: 803-255-7113

Once a timely appeal is received, the Compliance and Civil Rights Officer will review the information submitted to determine if the appeal may be resolved through an administrative review. If the appeal is resolved through administrative review to the satisfaction of the customer, the Compliance and Civil Rights Officer will prepare a written notice of resolution and send it to the customer. If the customer disagrees with the notice of resolution, the customer has an additional 10 calendar days from the date the notice of resolution was mailed, including the date of mailing, to object. For purposes of this requirement, The COMET assumes that the customer will have received the notice of resolution no later than five calendar days after the date the decision was mailed to the customer's address on record. The 10-day objection period begins to run on the sixth calendar day after the date the resolution was mailed. The customer's objection must be delivered to The COMET and received by the tenth day in the same manner described above.

If the Appeal cannot be resolved through an administrative review, the Compliance and Civil Rights Officer will perform the following activities:

- Contact the customer to determine whether the customer requests a Hearing or not;
- If the customer requests a Hearing, coordinate a Hearing date and time with the customer and the Appeal Hearing Officer; and
- Notify the parties in writing.

If necessary, The COMET will arrange for the customer to receive DART transportation to and from the place of Hearing at no charge. If a customer requests an Appeal due to a pattern of missing scheduled trips, paratransit service will continue to be provided to the customer until the Appeal is heard and decided.

### **Appeal Hearing Officer**

The Director of Planning and Development for The COMET will be the individual serving as the Appeal Hearing Officer. This individual will be responsible for reviewing any Appeals regarding eligibility determination and suspension of DART service that cannot be resolved through the administrative review.

All decisions reached by the Appeal Hearing Officer are final. If the customer disagrees with the decision, the customer can submit a new application if there have been significant changes in condition or new diagnosis or the customer may file an ADA complaint with the Office of Civil Rights of the Federal Transit Administration (FTA).

The documentation submitted to FTA should include a letter with as many details as possible to:

Director  
FTA Office of Civil Rights  
East Building-5<sup>th</sup> Floor, TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

### **Appeal with Hearing**

The customer will present arguments and answer questions from the Appeal Hearing Officer regarding either the denial of eligibility or the suspension of ADA paratransit service. The customer may bring a second party or advocate who could represent or speak on his or her behalf. Lawyers are neither necessary nor required. The Hearing will be electronically recorded.

### **Appeal without Hearing**

If the customer declines an in-person Appeal Hearing, the Compliance and Civil Rights Officer will inform the customer of the date to submit written materials that the customer wishes the Appeal Hearing Officer to consider in determining the Appeal.

Following the submission date, the Appeal Hearing Officer will review the customer's file and written submissions, if any, and decide the matter.

### **Decision and Notification of Decision**

The Appeal Hearing Officer may uphold or overturn the eligibility determination or the suspension, modify the eligibility determination, impose conditions upon eligibility, or take another appropriate action to decide the matter.

The Appeal Hearing Officer will provide a written determination to the Compliance and Civil Rights Officer who will notify the customer of the decision and the reasons for the decision in writing. This activity will be handled no later than 30 calendar days after the date of the Appeal Hearing, including the date of the Hearing. Or, if the customer declined a Hearing, the Compliance and Civil Rights Officer will notify the customer of the Appeal Hearing Officer's decision and the reasons for the decision in writing no later than 30 calendar days after the date the Appeal Hearing Officer reviewed and considered the matter. Written notification of the decision will be mailed via USPS certified mail.

If no decision is made on an appeal of eligibility determination within 30 days of the date of the Appeal Hearing or the Appeal Hearing Officer's consideration (inclusive of any time allowed for receipt of additional documents), the customer will be eligible for DART paratransit service as of

the 31<sup>st</sup> day, until and unless an adverse decision is rendered by the Appeal Hearing Officer. The Compliance and Civil Rights Officer will immediately inform the customer that he/she is presumptively eligible for DART service first by telephone and then follow up with a written communication at the customer's last known address on record.