



Minnesota Regional Transit
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REGIONAL TRANSIT BOARD

270 Metro Square Building
St. Paul, Minnesota 55101
612/292-8789

MEETING OF THE REGIONAL TRANSIT BOARD
Monday, November 4, 1985
Council Chambers
4:00 p.m.

AGENDA

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of September 30 and October 21, 1985
Regional Transit Board Meeting Minutes
4. CONSENT LIST
5. REPORT OF THE POLICY COMMITTEE
a. Metro Mobility Eligibility Criteria
Todd Lefko
Chair
6. REPORT OF ADMINISTRATION AND FINANCE COMMITTEE
Ruth Franklin
Chair
7. OTHER BUSINESS
 - a. Chairman's Report
 - b. Members' Reports
 - 1) APTA Conference
 - c. Staff Reports
8. PUBLIC COMMENT

Elliott Perovich
Chairman

REGIONAL TRANSIT BOARD

270 Metro Square Building, St. Paul, Minnesota 55101

Minutes of the Meeting of the
REGIONAL TRANSIT BOARD
Metropolitan Council Chambers
October 21, 1985

BOARD MEMBERS PRESENT: Elliott Perovich, Chairman; Kenneth Bedeau, Doris Caranicas; Ruth Franklin; Alison Fuhr; Paul Joyce; Edward Kranz; Todd Lefko and Bernard Skrebes

STAFF PRESENT: Ghaleb Abdul-Rahman, Mary Fitzgerald, Judy Hollander, Katie Turnbull, Judith McCourt, Leslie Johnson, Jerry Brechlin, Mike Kuehn, Roane Smothers, Randy Rosvold, and Ed McMenemy of the Regional Transit Board, and Legal Counsel Larry Wertheim

The chairman called the meeting to order at 4 p.m. and roll was taken. Fuhr moved approval of the agenda; Joyce seconded the motion. Motion carried unanimously.

Hollander introduced new staff members Roane Smothers and Randy Rosvold.

Fuhr moved approval of the minutes of the September 9 and September 16, 1985, meetings, Caranicas seconded the motion. Motion carried unanimously.

CONSENT LIST

Fuhr moved that the Consent List of October 15, 1985 be approved; Joyce seconded the motion; motion carried unanimously.

REPORT OF THE POLICY COMMITTEE

Committee Chair Lefko said that immediately following this meeting, the Policy Committee will meet to discuss the eligibility rules for Metro Mobility. Staff recommendations will be mailed on October 24 for the October 30 committee meeting. At this point the Board has not had a full discussion of the recommendations.

Chairman Perovich said he will testify before the Senate Subcommittee on Transit on October 25 regarding Rideshare and Metro Mobility. Senator Novak is trying to inform his committee on transit issues. The subcommittee is aware that the Board has not taken action.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

EXPENDITURE POLICIES

Committee Chair Franklin reviewed and commented on the actions taken by the Administration and Finance Committee at its meeting of October 17, 1985, as noted in the committee report dated October 21, 1985, regarding the Travel and Expenses Policies and Procedures, Board Per Diem, and Expense Allowances. She followed by moving the following amendments and actions of the committee:

1. That the Regional Transit Board approve the Travel and Expenses Policies and Procedures statement with the modifications in the Meal Expenses, Airline Fares and Direct Payment provisions.
2. That the Regional Transit Board approve the Board Per Diem statement.
3. That the Regional Transit Board approve the Expenses Allowances statement with the deletion of the proposed Executive Director/ Department Directors' Expense Allowance and change of the Chairman's Allowance amount to \$1,500 by reference to the 1985 First Special Session Laws, Chapter 15A.081, Subd. 8.

Joyce seconded the motion; motion carried unanimously.

INSURANCE POLICY RENEWAL

Committee Chair Franklin reviewed the committee report dated October 21, 1985, and moved:

That the Regional Transit Board approve the renewal of the Regional Transit Board's insurance policies for Comprehensive General Liability, Workers Compensation, and Business Auto in the amount of \$5,437 through Cedarleaf, Cedarleaf and Cedarleaf, Inc., and underwritten by General Casualty Company.

Fuhr noted that at the APTA conference she learned that most transit boards are experiencing large insurance cost increases. She seconded the motion; motion carried unanimously.

REGIONAL TRANSIT BOARD/METROPOLITAN TRANSIT COMMISSION AGREEMENT, MUNDLE AND ASSOCIATES REIMBURSEMENT

Committee Chair Franklin reviewed committee report dated October 21, 1985, and explained that there has been an agreement with MTC that RTB would share fifty/fifty in the cost of the consultant, but the provision for out-of-pocket expenses was overlooked in the original contract. She moved:

That the Regional Transit Board approve the Agreement for Regional Transit Board Reimbursement to Metropolitan Transit Commission (MTC) for Mundle and Associates Contract, RTB Contract 85/10/21-__, authorizing 50-percent reimbursement of direct out-of-pocket expenses.

Skrebes seconded the motion.

Lefko said he would support the motion and thinks Mundle has done an excellent job. However, on the process, he asked where we are going and how practical the experience has been. Mundle has raised most of the basic questions on how to set up a process and Lefko wondered if we should have raised those questions. He is nervous about establishing an equal relationship between RTB and MTC because that is not the legislative intent. There have been such long time lapses between sessions that it is easy to lose track. Perhaps another half-day session should be held for the Board to discuss some of these issues.

Franklin agreed that the discussions have been theoretical and she prefers that they be more to the point. Lefko said this is an item for a future retreat. The chairman said those issues must be addressed in a Committee of the Whole meeting. Kranz said he feels the process is worthwhile and wants to participate. Caranicas said Mundle performed a service in raising questions the Board should be talking about. She agreed that the Board must deal with these issues as soon as possible.

The chairman said that since most joint committee members would not be able to attend the next meeting, the meeting should be cancelled.

Motion carried unanimously.

Committee Chair Franklin reviewed the committee report dated October 21, 1985, and moved:

- 1) That the Regional Transit Board approve Amendment No. 1 to our Agreement between Regional Transit Board and Metropolitan Council, providing for acquisition of two Four-Phase printers at a cost of \$193 per month for a three-year period and \$45 maintenance and support thereafter for the term of our computer system agreement.
- 2) That the Regional Transit Board approve the contract with Carroll, Franck & Associates, for on-going computer consulting work in an amount of \$2,000.

OTHER BUSINESS

NEW OFFICE SPACE

The chairman discussed the activity to date on the search for new office space for the metropolitan agencies. Two sites are currently under consideration: Telecenter and Metro Square. There are still questions that must be resolved with both proposals. The final vote will be October 30.

MEMBERS' REPORTS

Fuhr discussed community action programs doing transit systems as a means to bring the public and private sectors together to find new ideas for new programs. Lefko said he discussed this with McCourt today because there is a request from the City of St. Paul. There is a question of what are social programs as opposed to transit programs. These questions arose with the WIN and Jet Pass Programs because they are social service rather than transit programs. There should be discussion at the state level on these questions. The chairman said he has raised that question at the Legislature. It is often not clear that we are subsidizing social programs. Other programs used to pay for that but now they are using Jet Pass or WIN programs. Lefko said the community action programs are being phased out and recreated. They have gotten resources from the federal government and counties to put together various programs.

Franklin said the Chairman of Transportation Advisory Board has decided to create a new committee called Transportation Direction Committee and has asked Franklin to chair it with Bruce Nawrocki as vice chair. It will meet four times a year. Dates and agendas have not yet been selected.

The chairman asked members who attended the American Public Transit Association conference to report at the next meeting.

Skrebes reminded the members about the local officials meetings. He has received calls from people saying they would like more meetings like that. The chairman said five legislators and two mayors attend the Maplewood and New Hope meetings last week.

STAFF REPORTS

Hollander said the Citizens League is sponsoring a transit study. The first meeting was last week and they will meet every week. Senator Steve Novak did an outstanding job of giving the group the ABC's of transit.

There being no further business, Joyce moved and Caranicas seconded the motion that the meeting be adjourned. Motion carried unanimously.

Respectfully submitted,

Mary Fitzgerald
Secretary

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: October 25, 1985
TO: Regional Transit Board
FROM: Policy Committee
SUBJECT: Metro Mobility Eligibility Criteria

BACKGROUND

At its meeting on October 21, 1985, the Regional Transit Board's Policy Committee reviewed proposed rules governing individual eligibility for Metro Mobility transportation service.

ISSUES AND CONCERNS

The committee discussed the impact this would have on the number of individuals certified for Metro Mobility service. Staff indicated that the changes would affect only individuals who are unable to use or learn to use mainline bus service and do not have a mental impairment or a learning disability.

Concern was expressed that reference to an Orientation and Mobility Specialist as a certified professional was incorrect. Staff confirmed that there is no state certification or authorization program for Orientation and Mobility Specialists and the term certified, as defined in the rules, refers to an individual who has earned either a Bachelor's or a Master's degree in Orientation and Mobility and is actively involved in teaching travel skills.

RECOMMENDATION

That the Regional Transit Board adopt the proposed rules governing individual eligibility for Metro Mobility transportation service in the metropolitan area. It is further recommended that after a period of one year the criteria shall be evaluated to determine the impact on the number of certified Metro Mobility users.

Todd Lefko
Chair

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101

DATE: October 15, 1985
TO: Policy Committee
FROM: Mark Ryan, Project Administrator
SUBJECT: Metro Mobility Eligibility Criteria - Staff Recommendation

Action Requested:

Action is requested to approve the eligibility rules.

Background

During the 1980 session of the Minnesota Legislature, considerable discussion was held regarding who should be eligible to use Metro Mobility and to what extent there was misuse of the system due to inadequate certification criteria. As a result of these discussions, the Minnesota Department of Transportation (Mn/DOT) was mandated to develop and adopt rules to be used in determining individual eligibility for Metro Mobility. During the next two years, a major effort to develop revised rules was made. Many handicapped consumer groups and agencies were involved with this process and certification rules were finally adopted in April, 1983.

Following the publication of the rules in the State Register, the Legislative Commission to Review Administrative Rules (LCRAR) decided to hear testimony on the rules at the request of the American Council of the Blind (ACB) of Minnesota in April, 1984. As a result of that testimony, the LCRAR recommended to Mn/DOT, in June 1984, that the rules be modified slightly. Mn/DOT chose not to act upon LCRAR's recommendation since authority for the rules would soon transfer to the Regional Transit Board (RTB).

In a meeting held earlier this year, with representatives from LCRAR and Mn/DOT, it became clear that the existing rules would cease to have statutory authority after June 30, 1985, since authority for the rules would transfer from Mn/DOT to the RTB. To ensure continuity, it was agreed that a positive step would be to request that the RTB adopt the eligibility rules, including the recommended LCRAR changes, on an interim basis, until such time that the Board was prepared to adopt final rules. The RTB did adopt the eligibility rules, with the LCRAR changes, at its June 17, 1985, meeting with the understanding that consideration of final rules would be forthcoming.

At the Policy Committee meeting held September 17, 1985, RTB staff provided Committee members with background on this issue and outlined a process to review, discuss and adopt eligibility rules. On October 2, 1985 the Policy Committee held an open meeting to hear comments from the public on Metro Mobility eligibility criteria. At that meeting, 17 people commented on Metro Mobility rules with most comments focusing on the involvement of an Orientation and Mobility Specialist, as a designated professional, to determine an individual's ability to use mainline bus service.

Discussion

The staff recommendations essentially reflect the rules adopted on an interim basis by the RTB in June 1985. These rules include the recommendations suggested by the LCRAR to Mn/DOT regarding eligibility criteria. Staff is also making recommendations on one other section of the rules. The area is the formation of an Appeals Committee to review an individual's certification denial.

While there are several sections of the rules governing certification for Metro Mobility service, the criteria used as a basis for determining eligibility has drawn the most attention. These criteria are designed to reflect functional limitations as they relate to the use of transit, rather than on disability types, as a means of targeting services to those needing it. The four criteria, adopted under the interim rules by the RTB, to be used as a basis for determining eligibility are:

1. Inability to walk one-fourth mile or more;
2. Inability to walk up and down the steps of a mainline bus;
3. Inability to wait outdoors for 10 minutes or more; and
4. Inability to use or learn to use mainline bus service in the opinion of a competent professional.

The fourth criterion has generated much of the discussion to date. Specifically, the designation of an Orientation and Mobility Specialist as a professional capable of determining an individual's ability to use regular mainline bus service has been contested.

Some advocates contend that there are blind individuals who cannot learn to use mainline service and who do not necessarily have a mental impairment or emotional problem and therefore should be certified to use Metro Mobility by an Orientation and Mobility Specialist. It has been argued that an Orientation and Mobility Specialist is best suited to give an opinion on a blind person's ability to use or learn to use mainline bus service.

Representatives from the National Federation of the Blind of Minnesota (NFB), take a contrary position on this issue. The NFB argues that if a blind person cannot use mainline service after mobility training, then that person must have a learning disability or other handicap. Additionally the NFB argues Orientation and Mobility Specialists should not be included due to the lack of licensing by the State of Minnesota.

From the testimony presented on October 2, at the Policy Committee meeting, it is apparent some blind individuals are unable to learn to use mainline service and do not necessarily have a mental impairment or emotional problem. It is unclear how many individuals are unable to use mainline service and do not have a mental impairment or emotional problem, however it appears to be limited to a small number of members in the blind community. Additionally, an Orientation and Mobility Specialists' goal is to teach travel skills and they are very knowledgeable about an individual's ability to use various forms of transportation. Because of an Orientation and Mobility Specialist's commitment to teach individuals travel skills and their knowledge of one's ability to use various forms of transportation, it is the staff's belief the number of individuals certified through Orientation and Mobility Specialists would be relatively few.

It should also be noted the rules allow an individual to be conditionally certified for up to 18 months as they receive training for mainline bus service.

The proposed rules also establish a standing subcommittee of the Transportation Handicapped Advisory Committee serving the RTB, to consider applications for certification that have been denied by the Metro Mobility Manager. This subcommittee will be composed of five (5) members, selected by the Chair of the RTB, and will include at least 3 consumer members.

Findings/Conclusions

- The interim rules adopted by the RTB reflect functional limitations as they relate to the use of transit, rather than on disability types.
- There is not a consensus among the blind community regarding the abilities of blind people to learn to use mainline bus service.
- Orientation and Mobility Specialists seem to be capable of determining if blind persons are able to learn to use mainline bus service.
- The number of persons likely to be certified through an Orientation and Mobility Specialist appears to be very small.

- An Orientation and Mobility Specialist's goal is to train an individual to use transportation services.
- After hearing testimony and reviewing the Metro Mobility rules, the LCRAR advised Mn/DOT to include Orientation and Mobility Specialists as professionals capable of determining an individual's ability to learn to use mainline bus service.
- Establishment of a standing subcommittee of the Transportation Handicapped Advisory Committee (THAC), to consider applications denied by the Metro Mobility Manager, would provide an appeals procedure for the RTB which would allow for adequate consumer input.

Recommendation

The Regional Transit Board adopt the Proposed Rules Governing Individual Eligibility for Metro Mobility Transportation Service in the Metropolitan Area of Minneapolis and Saint Paul.

MR004A

PROPOSED REGIONAL TRANSIT BOARD RULES GOVERNING INDIVIDUAL ELIGIBILITY

FOR METRO MOBILITY TRANSPORTATION SERVICE IN THE METROPOLITAN

AREA OF MINNEAPOLIS AND SAINT PAUL

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I. INTRODUCTION

A. Definitions

1. Appeal. "Appeal" means a request for additional review of an application under after the initial application has been denied.
2. Disability. "Disability" means physical or mental impairment.
3. Certified Orientation and Mobility Specialist. "Certified Orientation and Mobility Specialist" means an individual who has earned either a Bachelor's or a Master's Degree in Orientation and Mobility and is actively involved in teaching travel skills.
4. Handicapped. "Handicapped" means having a physical or mental impairment which limits one or more major life activities.
5. Mainline bus service. "Mainline bus service" means bus transportation that operates on fixed routes and schedules and is designed to serve the general public.
6. Major life activities. "Major life activities" means functions such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working and caring for oneself.
7. Metro Mobility. "Metro Mobility" means the project for coordination of special transportation service in the Twin Cities metropolitan area established under Minnesota Statutes, section 473.386, subdivision 1.
8. Motor vehicle. "Motor vehicle" has the meaning given to it in Minnesota Statutes, section 169.01, subdivision 3.
9. Physical or mental impairment. "Physical or mental impairment" means any physiological disorder or condition; any anatomical loss; any mental or psychological disorder; and specific learning disabilities. The term describes all diseases that relate to orthopedic, visual, speech, hearing, and mental disorders, such as cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer, heart disease, mental retardation; emotional illness; drug addiction; alcoholism; autism; arthritis; and diabetes.
10. Special transportation service. "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private person, designed to serve handicapped persons, elderly persons, and others with special transportation needs who are unable to use mainline bus service.
11. Temporary disability. "Temporary disability" means a disability expected to last for less than one year.
12. Trained. "Trained" is a term applied to a person who has acquired the skills to use mainline bus service and is not prevented from doing so by a mental impairment or learning disability.

B. Purpose and Scope of Rules

1. Purpose. The purpose of these rules is to establish criteria to determine who is eligible for Metro Mobility transportation services.
2. Scope. These rules apply to persons requesting transportation services from the Metro Mobility transportation project.

II. ELIGIBILITY

A. Eligibility Criteria

A person who requests Metro Mobility service is eligible for the service if the person is unable to manuver oneself one-fourth mile or more; or unable to walk up and down the steps of a mainline bus; or unable to wait outdoors for ten minutes or more; or unable to use or learn to use mainline bus service in the opinion of a competent professional as specified in these rules.

A person with temporary disabilities is not eligible for Metro Mobility service. A person having the double limitations of blindness and deafness is automatically eligible, however must obtain an individual certification number.

III. APPLICATION

A. Application Availability

Applicants shall request a certification number on forms provided by the Metro Mobility Transportation Center which may be obtained from the Metro Mobility Transportation Center. All completed applications shall be delivered or mailed to the Metro Mobility Transportation Center. A determination of eligibility shall be made within 30 calendar days of the receipt of the application and all verification information.

B. Application Forms

1. Information. Applicants shall submit the following information on the application form:
 - a. applicant's signature, certifying that all statements on the application form are true, and the date of signature;
 - b. applicant's name, address, telephone number, and any medical assistance number;
 - c. applicant's weight, date of birth, current Metro Mobility certification number, if any;
 - d. name and telephone number of person to notify in case of emergency;
 - e. applicant's disability and how it prohibits use of mainline bus service;

- f. applicant's current mode of transportation, other than Metro Mobility; and
 - g. equipment the applicant uses when traveling outdoors, such as wheelchair, braces, orthopedic cane, walker, crutches, artificial limb, or white cane.
2. Questions. Applicants shall answer the following questions on the application form explaining any negative responses to questions 7, 8 or 9:
- a. Is the applicant blind, deaf, or mentally handicapped? If so, has applicant received training in the use of mainline bus service? If applicant has not received training, why not? Would applicant agree to be trained in the use of mainline bus service? If not, why not? If applicant has received training, is applicant able to use mainline bus service? If not, why not?
 - b. Does the applicant need an attendant or escort when traveling? Explain.
 - c. Is the applicant's mobility limitation permanent?
 - d. Does the applicant need Metro Mobility service for all or only part of the year?
 - e. Does the applicant require a vehicle with a lift or ramp?
 - f. Does the applicant use a wheelchair? If so, can the applicant use an automobile or taxi?
 - g. Can the applicant maneuver one-fourth mile in snow and in clear weather?
 - h. Can the applicant wait outdoors for ten minutes, both in temperatures above 32 degrees Fahrenheit and in temperatures below 32 degrees Fahrenheit?
 - i. Is the applicant able to walk up and down steps of a mainline bus?

C. Verification Forms

1. Mental Disability Form

- a. Questions. An additional mental disability form must be submitted for a person with a mental disability that prohibits use of mainline bus service. This form may be completed by an individual most knowledgeable of the applicant's mental disability. The following questions must be answered:
 - i. Does the applicant become overly anxious in unusual travel situations?
 - ii. Is the applicant able to compare information cards with such things as signs, bus line numbers and landmarks?
 - iii. Is the applicant able to ask for and understand assistance if lost?
 - iv. Is the applicant able to follow directions and maintain attention to traveling?
 - v. Is the applicant able to cross streets in heavy traffic?
- b. Names and date. The mental disability form must include the name of the applicant, name and relationship to applicant of person completing form, and date of completion.

2. Medical Necessity Form

- a. It is the applicant's responsibility to obtain a medical verification form and send it to the physician, certified physical therapist, licensed psychologist or certified orientation and mobility specialist most knowledgeable regarding the applicant's disability. This professional shall complete the form, describing the applicant's mobility limitation and explain how the disability interferes with use of mainline bus service or the ability to learn to use mainline bus service and submit it to the Metro Mobility Transportation Center.

3. Exemptions.

A medical verification form is not required for persons confined to wheelchairs, or for persons who otherwise because of their disability require lift or ramp service.

D. False information

Persons who provide false information on the certification form, mental disability form or verification form shall not be issued an individual certification number for use of Metro Mobility special transportation service. If it is found that certification has been granted on the basis of false information given, individual certification shall be revoked.

IV. CERTIFICATION

A. Individual Certification Number

An individual certification number shall be issued to an applicant found eligible under the criteria set forth in these rules. No person may use Metro Mobility service without a current certification number.

B. Winter Season Certification

Persons who require special transportation service during the winter months only are eligible to receive Metro Mobility service from November 1 through April 15.

Persons who request winter season certification must submit regular Metro Mobility certification application forms. An applicant found eligible for seasonal certification shall be issued an individual certification number that shows seasonal certification status.

C. Conditional Certification

Persons who need temporary special transportation service until trained to use mainline bus service are eligible to receive Metro Mobility service for up to 18 months while receiving training. This conditional certification is dependent upon the applicant's agreement to complete training. Conditional certifications will be reviewed individually at six-month intervals.

Persons who request conditional certification must submit regular Metro Mobility certification application forms. An applicant found eligible for conditional certification shall be issued an individual certification number that shows conditional certification status.

V. APPEALS

A. Certification Appeals Board

The Certification Appeals Board shall be a standing subcommittee of the Transportation Handicapped Advisory Committee serving the Regional Transit Board (RTB). The Chair of the RTB shall select board members and appoint a chairperson. The composition of the Appeals Board shall be five (5) members (including the Chair) and include at least 3 consumer members. Appeals board members may not alter eligibility criteria but will be responsible for making the final determination on an applicant's certification, revocation or suspension.

B. Appeal Process

Persons determined to be ineligible for special transportation service may appeal this decision through the following procedure:

1. The individual shall submit, in writing, to the manager of the Metro Mobility Transportation Center additional information and explanation addressing the issues cited by the Metro Mobility Manager as grounds for the decision of denied certification. The individual shall have 30 calendar days from receipt of the notice to appeal to the Metro Mobility manager.
2. The manager shall review the additional documentation, make the decision, and prepare a written statement of reasons for the decision. Notice of the decision and a copy of the statement must be mailed to the individual within 30 calendar days of receipt of the appeal.
3. If the individual is dissatisfied with the manager's decision, the individual may then appeal to the Metro Mobility Certification Appeals Board within 30 calendar days from the receipt of the findings of the Metro Mobility Manager. The individual shall mail a letter to the Regional Transit Board requesting a review by the Metro Mobility certification appeals board. The appeals board shall make its determination within 30 calendar days upon receipt of the request. The decision of the appeals board is final and binding.
4. If the manager of the Metro Mobility Center or the certification appeals board fails to act by the given deadline, then the applicant shall be automatically certified. If the applicant fails to meet his or her deadline in the appeal process, the finding of ineligibility shall stand.