

Subpart J—Appeal to Administrator and Final Agency Orders

§ 604.48 Appeal from Chief Counsel decision.

(a) Each party adversely affected by the Chief Counsel’s office decision may file an appeal with the Administrator within 21 days of the date of the Chief Counsel’s issued his or her decision. Each party may file a reply to an appeal within 21 days after it is served on the party. Filing and service of appeals and replies shall be by personal delivery consistent with §§ 604.30 and 604.31.

(b) If an appeal is filed, the Administrator reviews the entire record and issues a final agency decision based on the record that either accepts, rejects, or modifies the Chief Counsel’s decision within 30 days of the due date of the reply. If no appeal is filed, the Administrator may take review of the case on his or her own motion. If the Administrator finds that the respondent is not in compliance with this part, the final agency order shall include a statement of corrective action, if appropriate, and identify remedies.

(c) If no appeal is filed, and the Administrator does not take review of the decision by the office on the Administrator’s own motion, the Chief Counsel’s decision shall take effect as the final agency decision and order on the twenty-first day after the actual date the Chief Counsel’s decision was issued.

(d) The failure to file an appeal is deemed a waiver of any rights to seek judicial review of the Chief Counsel’s decision that becomes a final agency decision by operation of paragraph (c) of this section.

§ 604.49 Administrator’s discretionary review of the Chief Counsel’s decision.

(a) If the Administrator takes review on the Administrator’s own motion, the Administrator shall issue a notice of review by the twenty-first day after the actual date of the Chief Counsel’s decision that contains the following information:

(1) The notice sets forth the specific findings of fact and conclusions of law in the decision subject to review by the Administrator.

(2) Parties may file one brief on review to the Administrator or rely on their post-hearing briefs to the Chief Counsel’s office. Briefs on review shall be filed not later than 10 days after service of the notice of review. Filing and service of briefs on review shall be by personal delivery consistent with § 604.30 and § 604.31.

(3) The Administrator issues a final agency decision and order within 30 days of the due date of the briefs on review. If the Administrator finds that the respondent is not in compliance with this part, the final agency order shall include a statement of corrective

action, if appropriate, and identify remedies.

(b) If the Administrator takes review on the Administrator’s own motion, the decision of the Chief Counsel is stayed pending a final decision by the Administrator.

Subpart K—Judicial Review

§ 604.50 Judicial review of a final decision and order.

(a) A person may seek judicial review in an appropriate United States District Court of a final decision and order of the Administrator as provided in 5 U.S.C. 701–706. A party seeking judicial review of a final decision and order shall file a petition for review with the Court not later than 60 days after a final decision and order is effective.

(b) The following do not constitute final decisions and orders subject to judicial review:

- (1) FTA’s decision to dismiss a complaint as set forth in § 604.29;
- (2) A recommended decision issued by a PO at the conclusion of a hearing; or
- (3) A Chief Counsel decision that becomes the final decision of the Administrator because it was not appealed within the stated timeframes.

Appendix A to Part 604—Listing of Human Service Federal Financial Assistance Programs

FEDERAL PROGRAMS PROVIDING TRANSPORTATION ASSISTANCE

1	Food Stamp, Employment and Training Program.	Food and Nutrition Service	Department of Agriculture.
2	Voluntary Public School Choice	Office of Innovation and Improvement	Department of Education.
3	Assistance for Education of All Children with Disabilities—IDEA.	Office of Special Education and Rehabilitative Services.	Department of Education.
4	Centers for Independent Living	Office of Special Education and Rehabilitative Services.	Department of Education.
5	Independent Living for Older Individuals Who Are Blind.	Office of Special Education and Rehabilitative Services.	Department of Education.
6	Independent Living State Grants	Office of Special Education and Rehabilitative Services.	Department of Education.
7	Supported Employment Services for Individuals with Most Significant Disabilities.	Office of Special Education and Rehabilitative Services.	Department of Education.
8	Vocational Rehabilitative Grants	Office of Special Education and Rehabilitative Services.	Department of Education.
9	Social Service Block Grant	Administration for Children and Families	Department of Health and Human Services.
10	Child Care and Development Fund	Administration for Children and Families	Department of Health and Human Services.
11 ...	Head Start	Administration for Children and Families	Department of Health and Human Services.
12 ...	Refugee and Entrant Assistance Discretionary Grants.	Administration for Children and Families	Department of Health and Human Services.
13 ...	Refugee and Entrant Assistance State Administered Programs.	Administration for Children and Families	Department of Health and Human Services.
14 ...	Refugee and Entrant Targeted Assistance ..	Administration for Children and Families	Department of Health and Human Services.
15 ...	Refugee and Entrant Assistance Voluntary Agency Programs.	Administration for Children and Families	Department of Health and Human Services.
16 ...	State Development Disabilities Council and Protection & Advocacy.	Administration for Children and Families	Department of Health and Human Services.
17 ...	Temporary Assistance to Needy Families	Administration for Children and Families	Department of Health and Human Services.
18 ...	Community Services Block Grant	Administration for Children and Families	Department of Health and Human Services.
19 ...	Promoting Safe and Stable Families	Administration for Children and Families	Department of Health and Human Services.
20 ...	Developmental Disabilities Projects of National Significance.	Administration for Children and Families	Department of Health and Human Services.

FEDERAL PROGRAMS PROVIDING TRANSPORTATION ASSISTANCE—Continued

21 ...	Grants for Supportive Services and Senior Centers.	Administration on Aging	Department of Health and Human Services.
22 ...	Programs for American Indian, Alaskan Native and Native Hawaii Elders.	Administration on Aging	Department of Health and Human Services.
23 ...	Medicaid	Centers for Medicaid and Medicare	Department of Health and Human Services.
24 ...	State Health Insurance Program	Centers for Medicaid and Medicare	Department of Health and Human Services.
25 ...	Home and Community Base Waiver	Centers for Medicaid and Medicare	Department of Health and Human Services.
26 ...	Community Health Centers	Health Resources and Services Administration.	Department of Health and Human Services.
27 ...	Healthy Communities	Health Resources and Services Administration.	Department of Health and Human Services.
28 ...	HIV Care Formula Program	Health Resources and Services Administration.	Department of Health and Human Services.
29 ...	Maternal and Child Health Block Grant	Health Resources and Services Administration.	Department of Health and Human Services.
30 ...	Rural Health Care Network	Health Resources and Services Administration.	Department of Health and Human Services.
31 ...	Rural Health Care Outreach Program	Health Resources and Services Administration.	Department of Health and Human Services.
32 ...	Health Start Initiative	Health Resources and Services Administration.	Department of Health and Human Services.
33 ...	Ryan White Care Act Programs	Health Resources and Services Administration.	Department of Health and Human Services.
34 ...	Substance Abuse Prevention and Treatment Block Grant.	Substance Abuse and Mental Health Services Administration.	Department of Health and Human Services.
35 ...	Prevention and Texas Block Grant	Substance Abuse and Mental Health Services Administration.	Department of Health and Human Services.
36 ...	Community Development Block Grant	Community Planning and Development	Department of Housing and Urban Development.
37 ...	Housing Opportunities for Persons with AIDS.	Community Planning and Development	Department of Housing and Urban Development.
38 ...	Supportive Housing Program	Community Planning and Development	Department of Housing and Urban Development.
39 ...	Revitalization of Severely Distressed Public Housing.	Public and Indian Housing	Department of Housing and Urban Development.
40 ...	Indian Employment Assistance	Bureau of Indian Affairs	Department of the Interior.
41 ...	Indian Employment, Training, and Related Services.	Bureau of Indian Affairs	Department of the Interior.
42 ...	Black Lung Benefits	Employment Standards Administration	Department of Labor.
43 ...	Senior Community Services Employment Program.	Employment Standards Administration	Department of Labor.
44 ...	Job Corps	Employment and Training Administration	Department of Labor.
45 ...	Migrant and Seasonal Farm Worker	Employment and Training Administration	Department of Labor.
46 ...	Native American Employment and Training	Employment and Training Administration	Department of Labor.
47 ...	Welfare to Work Grants for Tribes	Employment and Training Administration	Department of Labor.
48 ...	Welfare to Work for States and Locals	Employment and Training Administration	Department of Labor.
49 ...	Work Incentive Grants	Employment and Training Administration	Department of Labor.
50 ...	Workforce Investment Act Adult Services Program.	Employment and Training Administration	Department of Labor.
51 ...	Workforce Investment Act Adult Dislocated Worker Program.	Employment and Training Administration	Department of Labor.
52 ...	Workforce Investment Act Youth Activities Program.	Employment and Training Administration	Department of Labor.
53 ...	Homeless Veterans Reintegration Program	Veterans Employment & Training Service ...	Department of Labor.
54 ...	Veterans Employment Program	Veterans Employment & Training Service ...	Department of Labor.
55 ...	Elderly and Persons with Disability	Federal Transit Administration	Department of Transportation.
56 ...	New Freedom Program	Federal Transit Administration	Department of Transportation.
57 ...	Job Access and Reverse Commute Program.	Federal Transit Administration	Department of Transportation.
58 ...	Non-Urbanized Area Program	Federal Transit Administration	Department of Transportation.
59 ...	Capital Discretionary Program	Federal Transit Administration	Department of Transportation.
60 ...	Urbanized Area Formula Program	Federal Transit Administration	Department of Transportation.
61 ...	Automobiles and Adaptive Equipment	Veterans Benefits Administration	Department of Veterans Affairs.
62 ...	Homeless Provider Grants	Veterans Health Administration	Department of Veterans Affairs.
63 ...	Veterans Medical Care Benefits	Veterans Health Administration	Department of Veterans Affairs.
64 ...	Ticket to Work Program	Social Security Administration	Department of Veterans Affairs.