FAQ 28: What recourse does a carrier have if their HMSP is denied, suspended, or revoked based on the ongoing SMS analysis or other condition in section 385.421?

Answer: The administrative review process in section 385.423 still applies. However, if the denial, suspension, or revocation is based on a proposed safety rating or final safety rating that is less than satisfactory, the carrier may request administrative review if it believes FMCSA has

committed an error, as stated in §385.15. Additionally, a motor carrier may request an

administrative review based on the request for an upgrade of a proposed or final safety rating of

conditional or unsatisfactory based on submission of corrective action as stated in §385.17.

For other conditions for suspension or revocation listed in section 385.421, HMSP carriers still

have the right to administrative review under section 385.423.