

DataQs State Implementation Plan



Guam

**For Compliance with Federal Motor Carrier Safety Administration (FMCSA) Revised
Motor Carrier Safety Assistance Program (MCSAP) Grant Requirements**

Date: September 2026

Purpose

In April 2026, FMCSA announced updated requirements for State participation in the DataQs system as a condition of receiving MCSAP grant funding. To comply with those requirements, each State must submit a DataQs State Implementation Plan. The following pages contain the key elements of the plan approved by FMCSA for Guam.

DataQs State Implementation Plan

State: Guam

MCSAP Lead Agency: Guam Department of Revenue & Taxation (GDRT), Government of Guam (GovGuam) :dba: Motor Vehicle Safety Assistance Program (MCSAP)

Initial Review Process

Roles and Responsibilities

- Persons responsible for managing DataQs for the organization
 - **Responsible Party:**
Guam MCSAP Administrator
 - **Supervisor(s):**
Guam MCSAP Financial Officer
 - **Backups:**
Guam MCSAP Inspector II
 - **Interactions:**
MCSAP Administrator manages Guam's MCSAP federal formula grant program aimed at reducing CMV crashes-Oversee the CVSP ensuring local enforcement of driver/vehicle safety regulations, hazardous materials compliance, and out-of-order execution while managing federal financial reimbursements.
MCSAP Financial Officer manages the federal grant funding for MCSAP, ensuring Guam complies with federal regulations by overseeing procurements, financial reporting and voucher submittals.
MCSAP Inspector II is the highest trained inspector, certified official responsible for enforcing CMV regulations to reduce crashes, fatalities, and property damage-also assist MCSAP Administrator and acts as field experts in safety operations.
- Person(s) responsible for decision-making for the Initial Review process
 - **Responsible Party:**
Guam MCSAP Administrator
 - **Supervisor(s):**
GDRT Director and GDRT Deputy Director
 - **Backups:**

Guam MCSAP Financial Officer

Guam MCSAP Inspector II

- **Interactions:**

MCSAP Administrator manages Guam's MCSAP federal formula grant program aimed at reducing CMV crashes-Oversee the CVSP ensuring local enforcement of driver/vehicle safety regulations, hazardous materials compliance, and out-of-order execution while managing federal financial reimbursements.

MCSAP Financial Officer manages the federal grant funding for MCSAP, ensuring Guam complies with federal regulations by overseeing procurements, financial reporting and voucher submittals.

MCSAP Inspector II is the highest trained inspector, certified official responsible for enforcing CMV regulations to reduce crashes, fatalities, and property damage-also assist MCSAP Administrator and acts as field experts in safety operations.

- Person(s) consulted for additional information or evidence

- **Responsible Party:**

GDRT Legal Department Lawyer(s)

- **Supervisor(s):**

GDRT, Director

GDRT, Deputy Director

- **Backups:**

GDRT Lawyer(s)

- **Interactions:**

GDRT Lawyers role as a "backup" Independent Legal Reviewer.

Impartial Escalation: To remove conflicts of interest, the issuing officer cannot be the sole decision-maker for denials. He or She acts as an objective, third-party reviewer at the Reconsideration or Final Review stages. Legal Sufficiency & Burden of Proof ensures that decisions marker as "Closed-No Data Correction Made" meet strict FMCSA evidentiary threshold and pass constitutional due-process standards.

Adjudicated Citations & Legal Precedent: Guam vs. Federal Laws-Guam MCSAP Administrator and DataQ reviewers must adhere to strict policies regarding "Adjudicated Citations". GDRT Lawyers are equipped to interpret court rulings, please agreements, and case dismissals to determine if they warrant altering a driver's roadside inspection or crash report.

Process Description

- Receipt of RDR
 - **Responsible Party:**
Guam MCSAP Administrator
 - **Process:**
Anyone with a free account can file an RDR in the FMCSA DataQ system. This includes Commercial drivers, Motor carriers, General public users, Motor Carrier Service Providers, State and Federal enforcement agencies – the system allows them to challenge inaccurate or incomplete FMCSA safety data. This is primarily used by commercial motor carriers (trucking companies), and their representatives to dispute roadside inspection violations, crashes, and compliance reviews.
- Review of RDR
 - **Responsible Party:**
Guam MCSAP Administrator
 - **Process:**
To get started, you can register for an account or log in through the FMCSA DataQs Portal. Motor carriers should use their FMCSA Portal login, while all other users can create a direct DataQ account. Make sure to upload factual evidence—such as photos, diagnostic reports, or police accident reports—to support your request.
The main types of RDRs are as follows:
 1. Crash RDRs
Used to dispute DOT-recordable crashes on a carrier's record. Common reasons include:
Crash Assigned to Wrong Carrier/Driver: Challenging inaccuracies in the USDOT number or the commercial driver involved.
Not an FMCSA-reportable Crash: Claiming the incident does not meet reporting thresholds (e.g., no towing, injury, or fatality involved).
 2. Inspection RDRs
Used to dispute data, vehicles, or hazardous materials documented during a roadside inspection. The two primary types of inspection reviews are:
Inspection Report Request: Challenging the entirety of an inspection report due to major errors (e.g., wrong driver name, incorrect CDL details).
Single Violation Review: Challenging a specific citation, vehicle defect, or driver violation noted by the officer.
 4. DOT Audit / Investigation RDRs

Used by carriers to request reviews or corrections of data collected during formal compliance reviews, safety audits, or investigations.

5. Registration / Insurance RDRs

Used to correct errors or update information regarding your company's operating authority, or proof of insurance status.

- Outcome of RDR

- **Responsible Party:**

- Guam MCSAP Administrator

- **Process:**

- The Guam MCSAP Administrator is required to report the outcomes RDRs directly within the DataQs system.

- The reporting guidelines for outcomes include:

- Written Justifications: If we (Guam) deny a correction ("Closed - No Data Correction Made"), we must report specific details, including the reviewer's name, title, a list of evidence reviewed, and the factual or legal reasoning for the decision.

- Procedural Closures: If a case is closed for a procedural reason (such as "Closed - Insufficient Information"), Guam MCSAP must provide the reason for the action and direct the filer on how to submit the required info.

- Adjudication Reporting: Motor carriers and drivers can use the system to report judicial outcomes (e.g., a court dismissal or a lesser conviction), and if Guam MCSAP must update the records in FMCSA databases accordingly.

- Closure of RDR

- **Responsible Party:**

- Guam MCSAP Administrator

- **Process:**

- Step 1: Initial Review: Conducted by the MCSAP Administrator.

- Step 2: Reconsideration reviewed by the MCSAP Financial Officer.

- Step 3: Final Review: Handled by GDRT Lawyer.

- Timeliness:

- Step 1: completed within 21 days.

- Step 2: completed within 21 days.

- Step 3: final determination within 45 days.

Expected Outcomes for RDR Closures:

When managing a Request for Data Review (RDR) via the FMCSA's DataQs system, closures occur after an Initial, Reconsideration, or Final review. Possible outcomes range from procedural rejection to full data removal. Each outcome depends strictly on the

burden of proof and the adequacy of the submitted documentation.

The possible outcomes for a closed RDR and their core decision drivers include:

1. Closed — Unpreventable / Approved (Data Modification)

Outcome: The agency accepts the request. The crash or violation record is either removed, modified, or updated on the motor carrier's safety profile.

Decision Drivers:

Compelling Evidence: The requestor provides unequivocal proof (e.g., police reports, camera footage) showing the driver had no fault or that a violation was legally unfounded.

Program Eligibility: For crash preventability, the incident must fall under one of the specific eligible crash types designated by the agency.

2. Closed — Insufficient Information / Procedurally Rejected

Outcome: The RDR is dismissed before a full substantive review.

Decision Drivers:

Lack of Factual/Legal Justification: The request was submitted without the required documentation, such as the police accident report.

Missed Deadlines: The requestor failed to submit requested supplementary information within the allowed 14-day window.

3. Closed — No Data Correction Made (Denied)

Outcome: The RDR is denied after a full review. The record remains unchanged.

Decision Drivers:

Failure to Meet Burden of Proof: The evidence provided did not adequately refute the original finding or inspection.

Adherence to Regulations: The issuing officer or inspector properly applied the regulations during the initial encounter, and the state's multi-stage review panel finds the original report valid.

4. Closed — No Requestor Response

Outcome: The system automatically closes the file if a requestor fails to follow up.

Decision Drivers:

Inactive Request: The state agency requested relevant and material information (e.g., drug/alcohol test results for fatal crashes), but the requestor abandoned the file.

5. Closed — Duplicate / Administrative Closure

Outcome: The system or reviewer closes the file because it is a duplicate.

Decision Drivers:

Multiple filings for the same crash, or the matter was already resolved via another channel (e.g., an active citation adjudication in traffic court).

Communication:

Communicating effectively with submitters ensures transparency, builds trust, and maintains operational momentum. Implementing a structured process utilizing standardized communication methods—such as automated ticketing systems, regular status milestones, and clear documentation—keeps submitters informed and aligned with the progress and final outcomes of their requests.

Standard Communication Methods

Automated Acknowledgments: Use a IT GDRTservice desk to instantly issue a ticket number and estimated response time upon submission.

Self-Service Portals: Direct submitters to a Submitter Portal where they can log in to view real-time progression, add notes, and check the status of their requests.

Milestone Notifications: Send scheduled email updates when a request shifts statuses (e.g., Under Review, Pending Additional Information, In Progress, or Resolved).

Direct Feedback Loops: Utilize built-in comment features so both the submitter and the evaluator can communicate seamlessly without relying on fragmented email chains.

Core Communication Standards

Timeliness: Acknowledge submissions within 24 hours. Provide progress updates at least once a week for long-term requests.

Transparency & Clarity: Document the exact evaluation criteria, next steps, and estimated completion timelines to manage submitter expectations.

Documentation & Accountability: Record all communication threads within a centralized database. This maintains a clear audit trail and allows for accurate reporting on key metrics.

Communicating Outcomes

Outcome Classification: Clearly categorize final decisions (e.g., Approved/Favourable, Denied/Unfavourable, Requires Modification).

Justification: Provide a detailed rationale for the outcome, referencing the original request scope or evaluation rubric.

Appeals & Resubmission Guidelines: If a request is declined, explicitly outline the steps for resubmission, including any mandatory waiting periods (e.g., 6 or 12 months) before a new request can be evaluated.

Next Steps:

Submitters can expect an updated case status accompanied by a written Agency Decision Response and documented rationales for the findings from the Guam MCSAP Administrator.

Reconsideration Review Process

Roles and Responsibilities

- Person(s) responsible for decision-making for the Reconsideration Review process
 - **Responsible Party:**
Guam MCSAP Financial Officer
 - **Supervisor(s):**
Guam MCSAP Administrator
GDRT Director
GDRT Deputy Director
 - **Backups:**
Guam MCSAP Inspector II
 - **Interactions:**
MCSAP Administrator manages Guam's MCSAP federal formula grant program aimed at reducing CMV crashes-Oversee the CVSP ensuring local enforcement of driver/vehicle safety regulations, hazardous materials compliance, and out-of-order execution while managing federal financial reimbursements.
MCSAP Financial Officer manages the federal grant funding for MCSAP, ensuring Guam complies with federal regulations by overseeing procurements, financial reporting and voucher submittals.
Guam MCSAP Inspector II is the highest trained inspector, certified official responsible for enforcing CMV regulations to reduce crashes, fatalities, and property damage-also assist MCSAP Administrator and acts as field experts in safety operations
- Person(s) consulted for additional information or evidence
 - **Responsible Party:**
GDRT Legal(s)
 - **Supervisor(s):**
GDRT Director
GDRT Deputy Director
 - **Backups:**
GDRT Disclosure Officer(s)
 - **Interactions:**
GDRT Disclosure Officer(s) role as a "backup" Independent Reviewer.
Impartial Escalation: To remove conflicts of interest, the issuing officer cannot be the sole decision-maker for denials. He or She acts as an

objective, third-party reviewer at the Reconsideration or Final Review stages. Legal Sufficiency & Burden of Proof ensures that decisions marked as “Closed-No Data Correction Made” meet strict FMCSA evidentiary threshold and pass constitutional due-process standards.

Adjudicated Citations & Legal Precedent: Guam vs. Federal Laws-Guam MCSAP Administrator and DataQ reviewers must adhere to strict policies regarding “Adjudicated Citations”. GDRT Lawyers are equipped to interpret court rulings, plea agreements, and case dismissals to determine if they warrant altering a driver’s roadside inspection or crash report.

- Person(s) convening a panel or committee
 - **Responsible Party:**
GDRT Tax Commissioner
GDRT Insurance & Banking Commissioner
 - **Supervisor(s):**
GDRT Director
GDRT Deputy Director
 - **Backups:**
GDRT Lawyer (s)
 - **Interactions:**
In the Government of Guam (GovGuam) system, both the Tax Commissioner and the Insurance & Banking Commissioner operate under the umbrella of the GDRT. Rather than acting in isolation, these regulatory positions require heavy interaction with local, federal, and national agencies to enforce territorial laws, secure revenue, and stabilize the island’s financial markets.
 - **Panel members’ titles and associations:**
GDRT Tax Commissioner, GDRT Insurance & Banking Commissioner, and GDRT Lawyer(s) all operate under the umbrella of the GDRT.

Escalation Procedures:

How Guam determines which RDRs are escalated for reconsideration review process, and which are reopened under the initial review is based on the nature of the submitted evidence, prior review outcomes, and rejection rules.

Process Description

- Review of RDR
 - **Responsible Party:**
GDRT Lawyer (s)
 - **Process:**

1. Steps in the Reconsideration Process

Step 1: Submission Window: The submitter must officially file for a Reconsideration Review within 30 calendar days of receiving the state's Stage 1 Initial Review denial.

Step 2: Submitting New Information: The submitter can upload new evidence, photos, or citations. Note that adding entirely new arguments may reset the review sequence to ensure proper factual evaluation.

Step 3: Conflict of Interest Screening: The system routes the RDR to an independent reviewer or panel possessing relevant subject matter expertise. By federal law, this reviewer cannot be the original issuing officer, their direct supervisor, or the analyst who handled the Stage 1 Initial Review.

Step 4: The 21-Day Decision Clock: The state has a maximum of 21 days from the re-submission date to investigate, decide, and communicate the reconsideration decision.

Step 5: Information Requests (Clock Pause): If the analyst requests additional context, the 21-day state clock pauses. The submitter is given 14 days to respond before the system triggers an administrative closure.

2. Outcomes of the Reconsideration Review

The independent reviewer will close the Stage 2 request under one of three primary outcomes:

Approved (Data Correction Made): The reviewer agrees with the submitter's appeal. The violation or crash data is modified, downgraded, or completely removed from federal tracking.

Denied (No Data Correction Made): The reviewer determines the Initial Review denial was correct. The original safety data remains active on the carrier and driver profiles.

Administratively Closed: The RDR is cancelled without a ruling because the submitter let the 14-day clock-pause window lapse without providing requested clarifications.

3. Closure and Mandatory Communication Standards

When the Reconsideration Review is finalized and closed, the system triggers specific reporting standards:

Automated Portal and Email Push: The DataQs dashboard immediately updates the RDR status, and a system email is dispatched to the submitter detailing the closure.

Mandatory Transparency Report (For Denials): If the reconsideration is denied, the state cannot issue a generic template response. The closeout text must explicitly contain:

The name and professional job title of the independent decision-maker.

A comprehensive list of all evidence reviewed.

A detailed factual and legal analysis explaining the exact reason for the denial.

Clear boilerplate instructions on how to escalate the closed file to Stage 3: Final Review within the next 30 days.

Data Synchronization: If the outcome is approved, the closure triggers an automated data transmission. Corrected safety metrics will propagate to the carrier's Safety Measurement System (SMS) and the driver's Preemployment Screening Program (PSP) records during the next routine system refresh.

- Outcome of RDR

- **Responsible Party:**

- Guam MCSAP Administrator

- **Process:**

- Escalated vs. Reopened Reviews

- 1. Reopening the Initial Review

- How it happens: If a request is denied and you submit new, relevant information/evidence that was not evaluated during the initial RDR, the case must return to the Initial Review stage rather than moving forward.

- Timeline: The State analyst has 21 days from the date of submission to decide on and communicate the reviewed decision.

- 2. Escalation to Reconsideration

- How it happens: If the initial decision is denied but you are not introducing new evidence and simply wish to appeal the first decision, the RDR is escalated to the Reconsideration stage.

- Review Panel: Escalated reviews cannot be handled by the original issuing officer or their immediate supervisor. They must be evaluated by a separate, independent person or panel with relevant subject-matter expertise.

- Timeline: States must open reconsideration requests within seven days and issue a decision within 21 days.

- 3. Final Review (If Denied Again)

- How it happens: If both the Initial Review and Reconsideration denials result in "Closed—No Data Correction Made," you may escalate to a Final Review stage.

- Who handles it: This stage requires escalation to a senior leader or an independent panel.

- Timeline: The final decision must be wrapped up within 45 days of the request.

Compliance & Transparency

Guam MCSAP Administrator must post their exact RDR protocols in their DataQs Implementation Plans. Additionally, if Guam denies an RDR and refuses data correction, Guam must provide detailed, written justifications for why the challenge failed.

- Closure of RDR

- **Responsible Party:**

Guam MCSAP Administrator

- **Process:**

To successfully close out a Request for Data Review (RDR) in the FMCSA DataQs system, you must follow a structured, multi-stage appeal process that requires diligent evidence tracking, adherence to strict deadlines, and clear communication.

1. File the Initial Request

Submit: Log in using your credentials on the FMCSA DataQs portal. Select the specific inspection violation or crash to create a ticket.

Evidence: The burden of proof rests entirely on you. Upload clear evidence like police reports, timestamped photos, or regulatory language up front.

Timeframe: The state agency must open the request within 7 days and issue a decision within 21 days.

2. Monitor and Respond to Requests

Action: State reviewers often pause the clock to request additional documentation or clarification.

Closure Risk: If you fail to respond to a state follow-up question, they are instructed to automatically "close out" your appeal. You have 14 days to supply the requested information via the portal.

3. Handle Initial Denials with Multi-Stage Appeals

If your initial request is denied, you have up to 30 days to appeal to the next stage:

Stage 1 (Initial Review): Original decision is made.

Stage 2 (Reconsideration): If denied, the appeal goes to an independent reviewer or panel not involved in the original decision. They must decide within 21 days.

Stage 3 (Final Review): Escalated to senior leadership or a final independent panel, which has 45 days to issue a final decision

4. Official Case Closure

The review is officially closed once the state or FMCSA issues a final

determination.

If the challenge is successful, the agency will correct the record (e.g., categorizing a crash as "non-preventable" or dismissing a violation). The updated information will then flow to your carrier's Safety Measurement System (SMS) and driver PSP records.

If denied, the ruling stands.

- **Timeliness:**

Guam MCSAP must open the request within 7 days and issue a decision within 21 days.

Expected Outcomes for RDR Closures:

When an RDR (Request for Data Review) is closed, the outcome reflects the reviewing authority's findings based on the provided evidence and applicable regulations. Because the burden of proof is entirely on the requestor, each decision is driven by the validity and weight of the submitted factual evidence.

Closed RDR Outcomes & Decision Drivers

Closed – Data Correction Made: The evidence provided definitively proves that the initial data or violation recorded in MCMIS is factually incorrect, legally invalid, or subject to a recognized regulatory exception.

Decision Driver: The requestor provided indisputable proof (e.g., court documents showing dismissed citations, weigh tickets, photographic evidence, or mechanical repair records) that directly contradicts the recorded infraction.

Closed – No Data Correction Made: The agency determined the initial review findings are correct, and no changes will be made to your safety record.

Decision Driver: The requestor failed to meet the burden of proof, the submitted documents did not contradict the original findings, or the challenge relied on subjective opinion rather than factual regulations.

Closed – Withdrawn by Requestor: The person or carrier who filed the RDR voluntarily canceled the request before a formal determination was made.

Closed – Not Eligible: The data or incident being disputed does not fall within the scope of the DataQs system (e.g., disputing a closed CSA score instead of the underlying inspection, or the crash does not qualify under the Crash Preventability program). [1, 2]

Closed – No Requestor Response: The reviewing agency requested additional documentation to support the claim, and the requestor failed to provide the information within the required 14-day window.

Deciding Whether to Uphold the Initial Review

When evaluating whether to uphold a denial (i.e., ruling "Closed - No Data Correction Made"), the reviewing authority (such as the State MCSAP lead agency or an independent

panel during Reconsideration) weighs the following factors:

Strict Compliance with Regulations: The decision is driven by a textual reading of the FMCSA regulations. If the facts of the roadside inspection align with the regulatory definitions of the violation, the initial review is upheld.

Evaluating the Burden of Proof: The reviewer assesses if the requestor provided irrefutable factual evidence (like court abstracts, clear timestamped photos, or official maintenance logs) rather than emotional arguments or narrative disputes.

Adjudicated Citations: If the violation involved a citation issued by law enforcement, the reviewer evaluates whether the citation was dismissed by a court due to a procedural/factual error versus a negotiated plea deal. Dismissals on technicalities do not always mandate data correction.

4. **Multi-Stage Review Integrity:** To prevent bias, FMCSA rules require that the original issuing officer cannot act as the sole decision-maker for denying a request. The reviewing panel independently verifies the evidence trail without relying blindly on the original officer's word.

Agency Rationale Requirements: If the decision is made to uphold the review, the agency must issue a detailed written explanation. This must include the decision-maker's name/title, a list of all evidence reviewed, and the factual or legal analysis used to justify the denial.

Communication:

The communication methods and standards include:

1. Standardized Multi-Stage Review Process

State agencies and the FMCSA utilize a mandatory three-stage approach that clearly dictates how RDRs are communicated and escalated:

Initial Review: State agencies are required to open, review, and communicate a decision on the submitter's request.

RDR Reconsideration: If the initial decision is adverse, submitters can request reconsideration.

Final Review: Submitters can escalate to the FMCSA for a final review, which must be completed within 45 days.

2. Mandatory Notification & Electronic Updates

Portal Alerts: Submitters receive status updates and requests for additional information directly through the electronic DataQs portal and via email.

Timeframes: The FMCSA's MCSAP grant requirements mandate that states open, review, and issue a communication of their decision within 21 days for Initial Reviews and Reconsideration requests.

3. Strict Decision Standards for Denials

Whenever an RDR results in a "Closed-No Data Correction Made" decision, the agency is required to clearly communicate the following in their written response:

The specific reasoning for the outcome, including factual and legal analysis.

A detailed list of the evidence reviewed.

The decision-maker's name and title.

Clear next steps and instructions on how to file a reconsideration or final appeal.

Next Steps:

Following the closure of an RDR (Request for Data Review) after an unsuccessful reconsideration review, submitters should expect their challenge to be officially recorded as a denied denial. Submitters face several concrete outcomes:

Official Status Update: The RDR in the FMCSA DataQs System will update to a finalized status like "Closed - No Data Correction Made". The assigned state or federal reviewer must provide a detailed explanation of their decision, including the rationale and the evidence reviewed.

Score Recalculation: Because the state agency or field office upheld the data (or declined the edit), no changes will be made to the corresponding inspection or crash record in the MCMIS. The violation or crash will continue to impact your SMS profile and CSA scores.

Finality of State-Level Decisions: Traditionally, RDR decisions at the state level are deemed final by the agencies that uploaded the citation. Unless new substantive facts surface or a specific legal policy error was made, you cannot repeatedly reopen the exact same ticket through the standard state-level DataQs process.

Final Review Process

Roles and Responsibilities

- Person(s) responsible for decision-making for the Final Review process
 - **Responsible Party:**
Guam MCSAP Administrator
 - **Supervisor(s):**
GDRT Director
GDRT Deputy Director
 - **Backups:**
GDRT Lawyer(s)
 - **Interactions:**
Guam MCSAP Administrator, GDRT Director, GDRT Deputy Director and GDRT Lawyer(s) coordinate with other agencies to enforce safety standards,

distribute MCSAP grant funding, and resolve data corrections or appeals via the DataQs system.

These GDRT/MCSAP executives interact with multiple entities in several distinct ways:

Guam MCSAP and Guam Police Department (GPD): The Guam MCSAP (Motor Carrier Safety Assistance Program) enforces federal motor carrier safety regulations. Guam MCSAP leadership regularly interacts with GPD to monitor and ensure state compliance with the revised multi-tiered DataQs appeals framework.

Safety & Law Enforcement Coalitions: Guam MCSAP administrators and legal teams work closely with organizations like the CVSA (Commercial Vehicle Safety Alliance) to ensure uniform national standards for roadside inspections and crash data reporting.

- Person(s) consulted for additional information or evidence
 - **Responsible Party:**
GDRT Lawyer(s)
 - **Supervisor(s):**
GDRT Director
GDRT Deputy Director
 - **Backups:**
Guam MCSAP Financial Officer
Guam MCSAP Inspector II
 - **Interactions:**
GDRT Lawyer(s) operate behind the scenes to maintain the legal integrity of the Requests for Data Review (RDR) framework. Because the DataQs platform directly impacts federal safety scores, interstate operating authority, and civil penalties, agency lawyers interact continuously with external state, local, and federal entities to manage jurisdictional boundaries and enforce regulatory
MCSAP Financial Officer manages the federal grant funding for MCSAP, ensuring Guam complies with federal regulations by overseeing procurements, financial reporting and voucher submittals.
MCSAP Inspector II is the highest trained inspector, certified official responsible for enforcing CMV regulations to reduce crashes, fatalities, and property damage-also assist MCSAP Administrator and acts as field experts in safety operations.
- Person(s) convening a panel or committee
 - **Responsible Party:**

- Guam does NOT convey a panel or committee
- **Supervisor(s):**
None-stated
- **Backups:**
None-stated
- **Interactions:**
None-stated
- **Panel members' titles and associations:**
None-stated

Escalation Procedures:

Guam MCSAP (under the FMCSAs updated DateQs guidelines) determines whether a Request for Data Review (RDR) advances to the Final Review or restarts under the Initial Review based strictly on the introduction of new, unrequested, and relevant evidence

Process Description

- Review of RDR
 - **Responsible Party:**
Guam MCSAP Administrator
 - **Process:**
The Final Review evaluates appeals from earlier denials, leading to a conclusive outcome and official closure of the RDR.
 1. The RDR Multi-Stage Framework
The RDR process is handled through the FMCSA DataQs System. To maintain funding compliance, states use a mandatory three-stage review structure:
Initial Review: A preliminary check of the evidence.
Reconsideration: An independent review by subject matter experts.
Final Review: The ultimate level of appeal for the state.
 2. Final Review Process
If the RDR is denied at the Reconsideration stage, the motor carrier or driver has 30 days to appeal to the Final Review
- Outcome of RDR
 - **Responsible Party:**
Guam MCSAP Administrator
 - **Process:**
The FMCSA DataQs process allows drivers and motor carriers to challenge incorrect roadside inspections, enforcement actions, and crash reports. Initiated via a Request for Data Review (RDR), the process routes challenges

to the appropriate state agency for structured, multi-stage review.

Standard RDR Submission Process

Initiate Request: Log into the FMCSA Portal and select the DataQs system.

Select Type & Provide Details: Choose the specific record type you are challenging (e.g., roadside inspection, crash, or enforcement). You must provide exact report numbers, dates, and locations.

Attach Evidence: Upload relevant proof (e.g., Police Accident Reports, photos, or GPS logs). Vague submissions are routinely denied.

Paths & Details by RDR Type

Roadside Inspections & Violations: You can dispute data up to three years from the inspection date. RDRs are forwarded to the state that issued the violation.

Crash Preventability: Crashes can be challenged up to five years after the incident. This targets "Not Preventable" determinations (e.g., rear-ended while legally parked).

The Outcome & Review Process

To ensure fairness and reduce backlogs, state agencies follow a mandatory multi-stage review framework.

Stage 1: Initial Review: The state agency must open your request within 7 days and issue a decision within 21 days. If the violation is upheld, the original issuing officer cannot be the sole decision-maker for the denial.

Stage 2: Reconsideration: If denied, you can file for reconsideration within the platform. An independent subject matter expert or panel (who was not the original issuing officer) reviews the appeal within 21 days

Stage 3: Final Review: If you are still unsatisfied, the appeal is escalated to a senior leader or independent panel, which has 45 days to issue a final determination

- Closure of RDR

- **Responsible Party:**

To close an RDR (Request for Data Review) in the FMCSA's DataQs system, you must either provide requested evidence within the 14-day follow-up window or wait for the reviewer to issue a final determination, at which point the agency will close the file.

The closure process follows these specific steps:

1. Monitor Request Status

After submitting your RDR with supporting documentation, the status will show as SUBMITTED or IN REVIEW while the state or federal agency evaluates your claim. [1]

2. Respond to Follow-Up Requests (If Applicable)

If the reviewer determines your evidence is incomplete, they will place the RDR in PENDING: REQUESTOR RESPONSE. You will be notified via email to provide further clarification or documents.

You must upload the requested documents or answer questions within 14 days.

Failure to respond: If you do not provide the requested details within this timeframe, the system will automatically close the RDR as CLOSED: NO REQUESTOR RESPONSE.

3. State-Level Multi-Stage Review

The FMCSA implements structured procedures that escalate your RDR if it isn't approved initially:

Initial Review: Evaluated by the issuing agency/officer within 21 days.

Reconsideration: If denied, the request is passed to independent subject matter experts.

Final Review: An unbiased determination is made by a senior decision-maker or panel.

4. Final Closure and Determination

Once the review cycle concludes, the reviewer posts a formal resolution.

RDRs are closed in one of the following ways:

Closed: Determination Made: The review is complete, and the agency will issue a ruling (e.g., violation corrected, crash deemed non-preventable, or decision upheld as valid).

Closed: Not Eligible: The challenge does not meet the necessary criteria for the specific program (such as the Crash Preventability program).

Closed: No Data Correction Made: The claim is rejected; the decision-maker must provide detailed factual or legal analysis justifying why the data remains unchanged.

5. Appeal Options (If Denied)

If the final decision is unsatisfactory, you may have the option to appeal the determination to an independent panel or escalate using DataQs appeals guidance.

Could you tell me what type of RDR you are dealing with (e.g., a roadside inspection violation or a crash preventability review) and what current status

is shown on your dashboard? I can help you prepare the right evidence for your challenge.

- **Process:**

Submitting an FMCSA Request for Data Review (RDR) in the DataQs Portal is the formal process for challenging inaccurate safety data. The exact steps and the review path you follow depend heavily on the specific type of data being disputed.

Core RDR Submission Steps (All Types)

Access the System: Log in via the FMCSA Portal or create a new account.

Select the RDR Type: Choose the category of data you are challenging.

Detail the Incident: Input the exact report/crash number, date, state, and specific violation codes.

Attach Documentation: Upload all necessary evidence upfront to prevent denial.

Monitor and Rebut: Track the progress within your dashboard. If initially denied, you have paths for appeal.

- **Timeliness:**

The FMCSA requires Guam MCSAP to process Requests for Data Review (RDRs) through a strict, three-stage appeal process with mandatory timelines. If Guam MCSAP requests additional documentation, the review clock pauses and the requestor has 14 days to respond.

To ensure RDRs are addressed in a timely manner, Guam MCSAP enforces the following strict timeframes for state review actions:

1. Initial Review

Assignment/Action: Guam MCSAP must open the RDR within 7 days of submission.

Resolution Deadline: Must be completed and decided within 21 days.

Requirement: If the decision is a denial, the original issuing officer/inspector cannot be the sole decision-maker

2. Reconsideration

Assignment/Action: If the initial review is denied, requestors can escalate to reconsideration. The appeal must be filed within 30 days of the state's initial decision.

Resolution Deadline: Must be decided within 21 days.

Requirement: The review must be handled by an independent subject matter expert who was not involved in the initial decision.

3. Final Review

Assignment/Action: If denied at the reconsideration stage, requestors have 30 days to escalate to the final stage.

Resolution Deadline: Must be completed and decided within 45 days.

Requirement: The case is escalated to a senior leader or independent panel and cannot include anyone involved in the previous stages.

Guam MCSAP Accountability Measures

Guam MCSAP is required to submit and publish DataQs Implementation Plans outlining how they manage backlogs and meet these timeline standards. To enforce these assignment timetables, the FMCSA ties state data-correction performance to MCSAP grant finding.

Expected Outcomes for RDR Closures:

Following the conclusion of a review, the FMCSA DataQs system categorizes a closed Request for Data Review (RDR) into one of several standardized outcomes. These outcomes dictate whether the safety data remains on a carrier or driver profile, or if it is modified or permanently removed.

The possible outcomes for a closed RDR fall into two primary categories:

1. Accounted Actions (Data Corrections Made)

When a review finds that the original record contains an error or requires adjustment, the RDR is closed under one of the following statuses:

Removed (Violation or Crash Deleted): The challenged violation or crash event is completely purged from the system. It will no longer appear on the carrier's Safety Measurement System (SMS) profile or the driver's Preemployment Screening Program (PSP) record.

Downgraded / Amended: The violation remains on the record, but its severity is reduced. This typically occurs when a citation is amended in court to a lesser offense (e.g., changing a speeding violation from "15+ mph over" to "1-5 mph over"), reducing the associated safety weight points.

Reclassified (Crash Preventability): Specific to the Crash Preventability Determination Program (CPDP), a crash is updated to "Not Preventable." While the crash text still displays on the public website, its data is completely excluded from the carrier's crash indicator BEHAVIORAL analysis score.

2. Administrative Actions (No Data Corrections Made)

When the state or federal review determines that the original safety record was accurate, or if procedural rules were violated, the RDR is closed under one of these statuses:

Closed - No Data Correction Made (Denial): The reviewing agency rules that the original violation, inspection, or crash record was factually and legally correct. The data remains active on all safety profiles.

Administratively Closed (Incomplete or Ineligible): The case is closed by the system without a formal ruling on the data itself. This happens if the submitter fails to respond to a state request for additional documentation within the mandatory 14-day clock-pause window.

Forwarded to Appropriate Agency: The RDR was submitted to the wrong jurisdiction or agency. The case is closed out in the initial queue and transferred to the correct state or federal entity for a new review lifecycle.

Duplicate / Consolidated: The submitter opened multiple RDRs for the exact same inspection or violation. The duplicate entries are closed out, and all notes and files are merged into a single active master case file.

Communication:

Guam MCSAP's structured methods to eliminate vague responses, keeping communication clear, objective, and legally binding.

The mandated communication methods and reporting standards used throughout the RDR lifecycle include:

1. Primary Communication Methods

Automated Dashboard Alerts: The DataQs Web Portal serves as the primary tracking medium. Every status change triggers an instant visible update on the submitter's electronic dashboard.

System-Generated Email Notifications: The platform automatically dispatches email updates whenever an analyst inputs a decision, pauses a review clock, or requests supplementary documentation.

Interactive Multi-Stage Tracking: The interface displays a clear visual tracker showing exactly which tier of review the request is sitting in: Initial Review, Reconsideration, or Final Review.

2. Standards for Communicating Factual Queries (The "Clock Pause")

Formal Documentation Requests: If an analyst requires more context, they must issue a formal electronic data request via the portal.

The 14-Day Clock Notice: The communication must explicitly notify the submitter that the state's 21-day review clock is paused. It must state that the user has exactly 14 calendar days to provide the missing evidence before the case is administratively closed.

3. Reporting Standards for Positive Outcomes ("Closed-Data Correction Made")

Proof of Administrative Action: When a claim is validated, the closeout message must specify the exact structural remedy applied (e.g., violation removed, citation downgraded or crash reclassified).

System Propagation Timeline: The message must outline that safety record updates will propagate automatically to the Safety Measurement System (SMS) profile and

Preemployment Screening Program (PSP) records within standard data-refresh cycles.

4. Mandatory Standards for Negative Outcomes ("Closed-No Data Correction Made")

Under the latest transparency rules, states are banned from issuing generic denials. Every denial communication must include a high-standard transparency report containing:

The Decision-Maker's Identity: The message must explicitly list the full name and professional title of the specific independent specialist, senior leader, or panel chair who issued the denial.

Factual & Legal Analysis: Analysts must provide a detailed written breakdown explaining the precise factual or legal reasoning used to support the decision, citing specific Federal Motor Carrier Safety Regulations (FMCSRs) or CVSA guidelines.

Evidence Inventory: The text must feature an exhaustive list of all digital evidence reviewed, explicitly noting what the submitter provided vs. what the original issuing officer submitted.

Instructions for Appeal: The denial must include boilerplate text informing the carrier of their right to escalate the case to the next tier within 30 days of the decision. For final state denials, it must explain how to petition the federal independent FMCSA Appeals Board.

Next Steps:

Following the closure of an RDR (Request for Data Review) after a third-stage Final Review, submitters can expect either a formal, detailed denial transparency report or an immediate administrative data correction. Because the Final Review represents the terminal step of the state-level process, the outcome dictates the final status of the record.

Submitters will navigate the following protocols based on the closing determination:

If the Request is Denied ("Closed-No Data Correction Made")

Full Transparency Report: Under FMCSA oversight rules, a final denial cannot be a simple rubber stamp. The closure notification must explicitly include the name and title of the senior leader or independent panel decision-maker.

Detailed Written Analysis: The state must provide a comprehensive list of all evidence reviewed alongside a specific factual or legal analysis justifying why the original violation or crash record remains valid.

Federal Appeal Route: If the state issues a final denial but the matter hinges strictly on "significant matters of legal interpretation" or federal enforcement policy rather than a simple factual dispute, you can escalate the closed case to an independent FMCSA Appeals Board via the DataQs Portal.

If the Request is Approved ("Closed-Data Correction Made")

Automated Safety Management Update: The system automatically triggers data updates across federal platforms. The corrected, downgraded, or removed violation will be reflected

in the motor carrier's Safety Measurement System (SMS) profile and the driver's Preemployment Screening Program (PSP) record.

Crash Reclassification: For cases moving through the Crash Preventability Determination Program (CPDP), an approved review adjusts the status to "Not Preventable," which actively removes the crash from the carrier's behavioural analysis safety score calculation.

General Post-Closure Expectations

Permanent Lock on Evidence: Once a Final Review closes, you cannot submit supplemental evidence or files to the state to reopen that specific RDR. The decision is binding at the state tier.

Email and Portal Notifications: A final status update alert will be sent immediately to the submitter's registered email. The full case file remains accessible in the portal dashboard for historical tracking or federal appeal prep.