



Nothing about us without us!

May 21, 2015

Anthony Foxx  
Secretary  
Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Secretary Foxx,

We are writing, in light of a recent case of apparent discrimination against an autistic airline passenger, to urge the Department of Transportation to issue guidance clarifying and reinforcing the application of the Air Carrier Access Act (ACAA) to autistic passengers.

Last week, 15-year-old Juliette Beegle, who is autistic, was forced off of a United Airlines flight. Juliette's mother had asked a flight attendant if it would be possible to provide a hot meal to her daughter, who could not eat food served cold due to sensory issues associated with autism. Despite disclosing disability status as the basis for the request, the flight attendant initially refused. After Juliette finally received a hot meal and was thus able to self-regulate, the pilot announced an emergency landing because of a "behavioral issue," and Juliette and her family were removed from the flight. Juliette's removal was based apparently on Juliette's disability, not on any actual threat she posed to passengers, as nearby passengers all stated that Juliette was not disruptive at all.

We understand that the family has filed a complaint and are pleased that the Federal Aviation Administration plans to investigate this matter. Juliette's case, however, is not unique. Autistic individuals and their families frequently face barriers to accessing air travel, either because of unfair assumptions about their ability to fly safely or because their requests for seating, pre-boarding, security screening, or other accommodations are not respected.

As a result, we request that the Department of Transportation issue guidance clarifying that autism qualifies as a disability under the Air Carrier Access Act, providing examples of reasonable modifications to policies and procedures that the ACAA may require air carriers to provide to autistic individuals. In addition, we ask that DOT clarify that – as with all disabilities – autistic individuals should not be denied access to flights based on their posing a "direct threat" to health and safety based solely on their diagnosis, or based on risks that could be mitigated through reasonable modifications of policies and procedures.<sup>1</sup>

Such guidance is necessary to ensure that all carriers institute policies respecting the legally protected right to reasonable accommodations for all people with disabilities, and to prevent situations like Juliette's from happening again. Many people with hidden disabilities, including

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<sup>1</sup> See 14 C.F.R. § 382.51(b)(3).

autistic people, may face inadvertent discrimination based on the inaccurate assumption that it is always possible to determine whether a person has a disability or not by external observation. Because autistic people may have access needs that are not readily determinable, it is critical for airline employees to have a basic understanding of their legal obligations in meeting the needs of passengers with hidden or non-apparent disabilities.

The DOT has the opportunity to proactively address this recent spate of publicity, and we strongly urge the department to do so through clarifying guidance. We would like an opportunity to meet with you to discuss this matter in more detail at your earliest convenience. We are happy to offer our expertise as the leading disability rights advocacy organization led by and for autistic people

Sincerely,

A handwritten signature in black ink, appearing to read "Ari Ne'eman", written on a light blue rectangular background.

Ari Ne'eman  
President

A handwritten signature in black ink, appearing to read "Samantha Crane", written in a cursive style.

Samantha Crane, Esq.  
Legal Director & Director of Public Policy