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## **Association for Airline Passenger Rights Calls on USDOT to Levy Maximum Fine Against US Airways for Treatment of Disabled Passenger; Airline's Actions Violated the Air Carrier Access Act**

WASHINGTON, D.C. (October 18, 2010) – The [Association for Airline Passenger Rights](http://www.flyfriendlyskies.com) (AAPR) today called on the U.S. Department of Transportation (“USDOT”) to levy the maximum allowable fine against US Airways for its recent treatment of Johnnie Tuitel when an US Airways employee removed him from the plane, telling him that he was “too disabled to fly alone.” The incident occurred on September 23<sup>rd</sup> when Mr. Tuitel was flying from West Palm Beach, Florida, to Kansas City, Missouri.

The Air Carrier Access Act of 1986 (ACAA) prohibits domestic air carriers from discriminating against persons with disabilities in the provision of air transport. **The law states that persons with disabilities will have access to all services, goods and information that they provide to any other passenger as part of their normal operating practices and forbids air carriers from treating passengers with disabilities any differently than other passengers except in making the necessary accommodations.**

“Passengers with disabilities are no different than their non-disabled counterparts and deserve to be treated with dignity and respect by the airline industry,” argued **Brandon M. Macsata**, Executive Director of the Association for Airline Passenger Rights. “Considering that Mr. Tuitel has been flying without episode for over twenty years, his recent treatment by US Airways demonstrates a lack of knowledge about the Air Carrier Access Act by key employees of the airline – and it is completely unacceptable. Aside from the fact that an arbitrary decision was made about the passenger’s ‘suitability’ to fly alone is bad enough, but adding insult to injury is being told that he’d have to pay for a companion seat, too.”

According to ACAA, a carrier may require that a person with a disability travel with an attendant as a condition of being provided air transportation, if the carrier determines that an attendant is essential for safety, or if a person, because of a mental disability, is unable to comprehend or respond appropriately to safety instructions from carrier personnel, including the safety briefing. A carrier may also require an attendant if a person has such severe hearing and severe vision impairments that the person cannot establish some means of communication with carrier personnel, adequate to permit transmission of the safety briefing, or if person with a mobility impairment so severe that the person is unable to assist in his or her own evacuation of the aircraft. If the carrier determines that a person meeting these criteria must travel with an attendant, contrary to the individual’s self-assessment that he or she is capable of traveling independently, the carrier shall not charge for the transportation of the attendant. But if, because there is not a seat available on a flight for an attendant whom the carrier has determined to be necessary, and a person with a disability who has a confirmed reservation is therefore unable to travel on the flight, the person with a disability shall be eligible for denied boarding compensation.

For more information about the Association for Airline Passenger Rights or the Air Carrier Access Act, please visit [www.flyfriendlyskies.com](http://www.flyfriendlyskies.com) or contact AAPR directly at [info@flyfriendlyskies.com](mailto:info@flyfriendlyskies.com).

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**About AAPR:** The Association for Airline Passenger Rights is a 501(c)(4) tax-exempt, nonprofit organization whose mission is to promote fairer customer service and accessibility standards in the airline industry and to improve passenger satisfaction. AAPR was formed in response to growing dissatisfaction among American consumers toward the airline industry.