

Access-A-Ride: How to Appeal a Denial or Conditional Services

If you applied for Access-A-Ride (“AAR”) services and the New York City Transit Authority (“NYCTA”) decided that you are not eligible or only conditionally eligible, you have the right to appeal that decision.

How do I appeal an AAR decision?

You have 60 days from the date on your NYCTA letter to request an appeal. On the form that comes with your NYCTA letter, you can request an *in-person* appeal. NYCTA will then call you or mail you a letter to schedule the *in-person* appeal. You can also submit a *written* appeal. If you choose to submit a *written* appeal, you must mail it with the form within 60 days.

Should I appeal in person or in writing?

Many people find it hard to appeal in person, because you need to go to NYCTA’s office in Long Island City, Queens. It can be helpful to appeal in person, because you can meet and speak with the Eligibility Appeals Board. For example, the Board might have questions that you can answer in person.

Will my AAR services stop immediately once I receive the AAR decision?

If you currently have AAR but NYCTA denied you or lowered your level of service, NYCTA will continue your AAR at its current level until the 60-day time to appeal has ended or, if you appeal, until your appeal is decided.

How do I prepare an appeal?

You want to show NYCTA that you cannot use subways and buses because of your disability. A strong appeal includes:

- Up-to-date and detailed letters from medical professionals about your disability and how it prevents you from using subways and buses;
- A detailed personal journal or log describing what happened the last time(s) you tried to travel on subways and buses and explains how that travel affected your disability, health, energy, or stamina; and
- A detailed list of barriers, like stairs, sidewalks without curb cuts/ramps or with inappropriate curb cuts/ramps, or busy street crossings that prevent you from traveling to the subway station or bus stop.

How can I find out why NYCTA decided that I am not eligible or only conditionally eligible?

Your NYCTA letter will include a summary from your assessment and information on how to request your full assessment record for free. If you are found conditionally eligible, your NYCTA letter will also include information on how to request your full record for free. NYCTA will send you this information 30 days after you ask for it, so you should ask for it quickly.

What happens at an in-person appeal?

You will meet with the Eligibility Appeals Board. The Board includes at least two people; one will be a medical professional. The appeal usually lasts 25 minutes or less. The Board will review any documents you bring. They will ask you questions about your disability and how it stops you from using subways and buses. For example, they may ask how you traveled to the in-person appeal and what happened the last time you used subways or buses. You can make a statement in support of your appeal. You can bring a medical professional, therapist, social worker, advocate, attorney, or other person to make a statement or assist you. The appeal will be recorded. You can object if someone tries to turn off the recording for even part of the appeal. You can ask for a copy of the recording.

What if I have questions about the denial or conditional services, or need help with my appeal?

You can call Mobilization for Justice at (877) 417 – 2427 with any questions you have. You can also ask Mobilization for Justice for help preparing your appeal or to represent you at an appeal.

DISCLAIMER: This fact sheet gives general information for NYC residents; it is NOT legal advice.

Provided by the Access-A-Ride Reform Group (AARRG!):

