



Access-A-Ride: How to Appeal a Denial or Reduction of 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 this decision.

HOW DO I APPEAL AN AAR DECISION?

You have 60 days from the date on the determination letter to request an appeal. On the form included with your determination letter, you can request an in-person appeal, and NYCTA will call you to schedule it. You can also submit a written appeal. If you choose to submit a written appeal, you must mail in your appeal with the form requesting an appeal, before your 60 days to appeal runs out.

SHOULD I APPEAL IN PERSON OR IN WRITING?

Many people find it hard to appeal in person, because you must travel to NYCTA’s office in Long Island City, Queens. NYCTA will not provide you AAR to the appeal if you were denied services. If NYCTA found you eligible for conditional services, NYCTA will provide you AAR to the appeal only under those conditions. There are advantages to appealing in person, because you can meet and speak with the Eligibility Appeals Board face-to-face.

HOW DO I PREPARE AN APPEAL?

You want to show the NYCTA that your disability prevents you from using subways and buses. A strong appeal includes:

1. Up-to-date and detailed letters from medical professionals about your disability and how it prevents you from using subways and buses;
2. A detailed personal journal or log describing what happened the last time(s) you tried to travel on subways and buses, and how that travel affected your disability, health, energy, or stamina; and
3. A detailed list of barriers, like stairs or busy street crossings, that prevent you from traveling to the subway station or bus stop.

I AM NOT SURE WHY NYCTA DECIDED THAT I AM NOT ELIGIBLE OR ONLY CONDITIONALLY ELIGIBLE. HOW CAN I FIND THIS OUT?

When preparing for your appeal, you can submit a Freedom of Information Law (“FOIL”) request for copies of your NYCTA file, including your previous application(s) and notes of the person who assessed you. These records help you understand why NYCTA found you ineligible or conditionally eligible. You

can download a form letter for a FOIL request at <http://web.mta.info/mta/foil/request.html> and submit it online at: <http://mta-nyc2.custhelp.com/app/ask/p/70,72/search/1>. It can take several weeks to get a response, so send the request as soon as possible in order to get the records in time for your appeal.

WHAT HAPPENS AT AN IN-PERSON APPEAL?

You will meet with the Eligibility Appeals Board, which includes at least two people, including a medical professional. The appeal is held in a conference room, and it usually lasts 35 minutes or less. The Eligibility Appeals Board will review any documents you bring to the appeal. They will ask you questions about your disability and how it prevents you from using subways and buses. For example, they will often ask how you traveled to the in-person appeal and about 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, 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 after the appeal.

WHO CAN I CONTACT IF I HAVE QUESTIONS OR NEED HELP WITH MY APPEAL?

You can call MFY Legal Services, Inc. toll free at 877-417-2427 Monday through Friday from 10:00 a.m. to 5:00 p.m.

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