

Dystonia Medical Research Foundation

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Major US Airline Discriminates Against Disabled Passenger, Lawsuit Charges

*Dystonia-Affected Man Files Lawsuit Against U.S. Airways for Denying Right to Fly;
Case Could Set Precedent for Airline Travel Rights of Persons with Disabilities*

JACKSONVILLE, FLORIDA— A 26-year-old disabled man, who was denied access to a U.S. Airways flight in June, has sued the major airline for discrimination.

Andy Gates is affected by *dystonia*, an obscure neuromuscular movement disorder that causes muscles to spasm and contract uncontrollably. Although he uses a wheelchair, he can cross short distances without assistance.

Frequently misdiagnosed as cerebral palsy or psychiatric illness, dystonia is estimated to affect no less than 300,000 people in North America are affected, one third of whom are children.

In June, as he was about to board a flight to Milwaukee, Wisconsin, Gates was stopped by a U.S. Airways shift manager. According to the lawsuit, the manager said the captain of the airplane felt, based on Gates' appearance, that he was too disabled to fly unaccompanied. After a few attempts to explain that Gates was already preauthorized by the airline to fly, he was ultimately denied access.

"All I wanted to do was to safely get to my destination. I've flown many times alone before this incident," said Gates. "It's unfair that someone simply looked at me and made a snap judgment about what I can or cannot do."

Gates recently filed a lawsuit against U.S. Airways and a formal complaint with the U.S. Department of Transportation. Though the Americans With Disabilities Act does not apply to air travel, the federal Air Carrier Access Act prohibits airlines from discriminating on the basis of disability.

However, there is no federal, private right of action available to individuals discriminated against because of their disability in terms of air travel.

"This alleged act of discrimination is unacceptable and sends a message that more needs to be done to educate the public about disabilities such as dystonia," said Janet Hieshetter, Executive Director of the DMRF. "Dystonia comes in all forms and despite some of the challenges this disorder brings, many dystonia-affected individuals lead successful, independent, and fulfilling lives."

About Dystonia

Dystonia is a movement disorder that causes the muscles to contract and spasm involuntarily. The contractions force the body into repetitive and often twisting movements as well as awkward, irregular postures. There are approximately 13 forms of dystonia, and dozens of diseases and conditions include dystonia as a significant symptom.

Dystonia may affect a single body area or be generalized throughout multiple muscle groups. Dystonia affects men, women, and children of all ages and backgrounds. Dystonia causes varying degrees of disability and pain, from mild to severe. There is presently no cure, but multiple treatment options exist and scientists around the world are actively pursuing research toward new therapies.

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Founded in 1976, the Dystonia Medical Research Foundation is dedicated to serving the needs of all persons affected with dystonia and their families. DMRF's mission is to advance research for more effective treatments and ultimately a cure, to promote awareness and education, and to support the needs and well-being of affected individuals and families. For more information visit www.dystonia-foundation.org.