



THE  
EDGE

SUMMER/FALL 2022 - WVSILC - PO Box 625 - Institute, WV

## SILC UPDATE

As we approach the end of 2022, much has changed and is changing at the SILC. As you know, Kathi Young, our Office Manager retired early in the fiscal year after over 23 years and replacing her has been a challenge but in June we hired Patricia "Trish" Cash and she plans to stay until she retires! I am retiring at the end of October and Jerry Boyko, our Program Assistant, will take my place as Executive Director. Jerry and I will be working closely together over the next few months to ensure he is ready to take on his new position.

In addition to staff changes, we are in the process of developing a new State Plan for Independent Living (SPIL). We have been conducting "listening sessions" all around the state to build support for the expansion of the WV Independence Network (WIN), one of the goals in our current SPIL. The current WIN Partners, (Appalachian CIL, Mountain State CIL, and Northern WV CIL), have been helping with the listening sessions to help build support for developing new locations and identifying individuals and groups willing to advocate for funding and provide grassroots support. We are also using these listening sessions to gather input for the new SPIL, so it has been a busy summer.

As the SILC has been implementing our strategic plan, one strategy for resource development has been to purchase a building for our office space that includes rental units to bring in income. A potential building has been identified and we are working to get estimates for renovations to determine whether we have the resources to move forward. We are also working to build a youth committee that will engage youth with disabilities in advising the SILC on issues and strategies and will also build young leaders as potential SILC members.

As I ponder what the SILC has accomplished since I was hired in November 1996, I am truly amazed. And as I look forward to my retirement, I am proud to have spent so many years working for the best SILC in the country and I am very honored to have contributed to the efforts that have made progress in so many areas to improve the lives of West Virginians with disabilities.

From the desk of:

Ann McDaniel  
Executive Director

### MISSION

*"The mission of the WVSILC is to promote the value, equality, full-inclusion, and freedom of choice of all West Virginians with disabilities."*

### WV Centers for Independent Living

**Appalachian CIL**  
Elk Office Center  
4710 Chimney Dr.  
Charleston, WV 25302  
304-965-0376

**Northern WV CIL**  
601-603 East Brockway Ave.  
Suite A & B  
Morgantown, WV 26505  
304-296-6091

109 Randolph Ave.  
Elkins, WV 26241  
304-636-0143

**Mountain State CIL**  
821 Fourth Ave.  
Huntington, WV 25701  
304-525-3324

329 Prince St.  
Beckley, WV 25801  
304-255-0122





## Local Advocates Receive Corey Rowley National Advocacy Award.



Congratulations to Mark and Jan Derry they were each awarded the Corey Rowley National Advocacy Award.

Mark Derry is the President of Eastlake, Derry and Associates, LLC. They specialize in accessibility, universal design and Americans with Disabilities Act (ADA) consulting and training. Mark has worked for the National ADA Information Center, and NY Center-Action Toward Independence, a long time member of NCIL who sat on many subcommittees and the Governing Board for 16 years. Mark spends about a third of his time writing and delivering trainings on the ADA, the rest of his time is spent working to ensure accessibility in building projects and surveying existing properties for accessibility. He has written articles for several publications on the ADA and architectural access. Mark has provided trainings on behalf of the Department of Defense and has presented testimony on rulemaking regarding accessibility regulations to the US Department of Justice, the US Access Board and the Congressional Record. Being an amputee has allowed Mark to bring a personal perspective to the consulting and teaching he provides. In addition Mark has participated on various committees and was an invited guest at the 25th Anniversary Celebration of the ADA at the White house.

Jan has a long history of working with people with disabilities. She started the Northern WV Center For Independent Living in 1993 and remained the Executive Director until 2019, when she retired. Jan’s accomplishments include successfully competing and being awarded the first HUD grant in West Virginia, and becoming the only private enforcement entity. Jan also worked with the Foundation for Rape and Information Service (FRIS) to develop and publish a tool kit for training all APS workers, sexual assault teams and first responders in WV on how to work with and support sexual violence survivors with disabilities. She represented NCIL in working with ACL to develop recommended standards for Adult protective service providers nationwide and worked with the VERA institute to develop cross disciplinary on line resources for serving crime victims with disabilities. She also spent 10 years as a member and leader of the City of Morgantown’s Human Rights Commission as they work to build a more inclusive city adding protected classes above and beyond the state code. ■

## Congratulations to Brenda Dasher for winning the Region III Advocacy Award.

Brenda is a well liked and respected member of the Elkins WV community. She has been with Northern WV Center For Independent Living for 16 years.

Brenda has always put forth 110% for her consumers individually and towards making sure that communities are accessible and inclusive of people with disabilities. This is the second time that Brenda has received this award showing her dedication to her consumers and her community. Even with the difficulties of COVID the last few years, Brenda continues to make sure her consumers get what they need. This award is a well deserved recognition of all that Brenda does. ■



## Total Mobility Services

### Wheelchair Accessible Van Rentals

146 Strickland Road  
Hurricane, WV 25526  
304-727-9478 - 800-558-7408  
rentals@tmservices.cm  
www.tmservices.com

1- 2 days - \$129 Per day  
3 - 3 days - \$119 oer day  
7 or more - \$109 per day  
Montly - \$2,759 per Month

Mid-week Special  
Tuesday -Thursday  
3 days - \$269

100 miles per day - FREE!!  
Excess miles only 25 cents per mile!

\*Full coverage auto insurance  
and credit card required\*

# WVSILC Executive Director Announces Retirement

WV Statewide Independent Living Council Executive Director, Ann Watts McDaniel, has announced she will be retiring effective October 31, 2022. Ann is the first and only Executive Director for the SILC who established the office and operation. She has been the driving force of the Council's mission and effort for over 26 years.

Ann came to the SILC with 11 years of experience in Independent Living (IL) working for Mountain State CIL from 1985 to 1996. Her commitment to IL served her well at Mountain State and fueled her interest in the Executive Director position at the SILC. She came to the SILC having read the State Plan for Independent Living (SPIL), participating in a SILC work group, and having attended training provided to the SILC to prepare them for their responsibilities being an autonomous partner in IL, as required by the Rehabilitation Act, as a consumer-controlled council.

Over the years, Ann has represented the interests and supported the many activities of the SILC including eight WV Disability Caucuses, two Disability Policy Summits resulting in Disability Policy Agendas endorsed by many disability organizations statewide, and two WV Youth Disability Caucuses. She has also shepherded the development of nine SPILs and supported the youth in developing a bill and guided them through the legislative process to establish the third week of October as Disability History Week in WV, the first such designation in the country. She has served on countless boards, councils, committees, and workgroups to bring the IL philosophy and her skills and experience to a wide variety of issues, processes, and systems affecting the lives of individuals with disabilities.

Ann has also been an active member of the National Council on Independent Living, serving on the board as a Regional Representative secretary, and at large member over eight years. She has shared and served on committees and currently coordinator of the Rehab Act/IL funding committee.

The Council began implementing a succession plan last year to ensure the transition to a new Executive Director is as smooth and seamless as possible. We are pleased to announce that Jerry Boyko, the current Program Assistant at the SILC, has been offered and has accepted the position of Executive Director effective October 1, 2022. This start date will allow one month of transition with Ann supporting Jerry as he transitions to his new role.

Thank you, Ann, for your many years of hard work and dedication to the SILC mission. We wish you a long and happy retirement! ■



## WVSILC Welcomes New Council Members

### Becky Spaulding

Becky has many years of experience working in the medical transcription field, as an instructor in medical terminology and coding. She has personal and professional experience with disabilities. She is a very determine individual and has been a great advocate for herself and others.

### Vicki Shaffer

Vickie was a co-founder of ADAPT WV and is a strong advocate for disability rights. She has over 30 years advocating for herself and for other people with disabilities. She has served on the Olmstead Council, Northern West Virginia Center for Independent Living Board, and many other boards.

### Pisnu Bua-lam

Pisnu is the Director of the WV Division of Rehabilitation Services. His primary goal is to increase the services to more West Virginian with disabilities and he is a strong supporter of the SILC.

*(Members Continues on p5)*





## Rypas Recipient Success Story

RYPAS has completely changed my life. What a blessing it has been to be able to stay at home and have my own daughter be able to take care of me. I couldn't imagine life without my family especially my daughter. I am beyond grateful to be able to live in my home and not a nursing facility.

If I had to live without my daughter, my motivation for life would be gone. When you have physical limitations, it affects your motivation and well being.

With the help of RYPAS I get to continue living my normal life in the comfort of my own home.

What a blessing this program has been for my family and I. I will forever be grateful for the amazing team that makes up RYPAS I've never met more caring, compassionate, and understanding people. I wish there were more programs out there for people who suffer from physical and mental limitations like myself. It has been an absolute honor to be a part of this amazing program.

For more information on the RYPAS program visit: <http://www.wvsilc.org/rypas.htm>



Empowering individuals with disabilities to live more independently today, while planning for tomorrow.

### What is WVABLE?

WVABLE is a tax-advantaged savings and investment account program designed to give individuals with disabilities, and their families, more independence and financial security.

WVABLE is made possible by the Achieving a Better Life Experience in West Virginia Act, also known as the West Virginia ABLE Act, and allows many individuals with a disability to save and invest without losing eligibility for certain government benefits that are critical to their health and well-being, such as Medicaid and Supplemental Security Income (SSI).

### What is a STABLE Account?

The West Virginia State Treasurer's Office administers WVABLE and has partnered with STABLE Accounts and the Ohio Treasurer's Office to offer this program to West Virginians with disabilities.

Up to \$16,000 per calendar year may be contributed into a STABLE account, and an additional \$12,880 of income may be contributed by employed beneficiaries - increasing the total annual contribution limit to \$28,880. Earnings in a STABLE Account are not subject to federal income tax, so long as the funds are used to pay for "Qualified Disability Expenses."

STABLE Accounts have some similar features to normal bank accounts, but they are not checking or savings accounts. STABLE Accounts are investment accounts, similar to 529 college savings accounts or 401(k) retirement accounts. When you deposit money into your STABLE Account, your money will be invested in different options that you choose. While you can still withdraw and spend your money whenever you need it, a STABLE Account also allows you to grow your money and to save long-term for disability expenses.

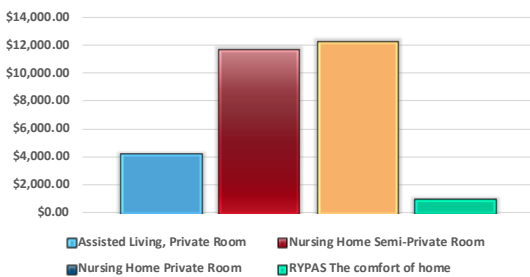
WVABLE is available to the West Virginia resident who developed their disability before the age of 26. The individual must have been living with their disability for at least one year, or they must expect their disability to last for at least a year. Additionally, they are entitled to receive SSI or SSDI due to their disability or blindness, or can self-certify their diagnosis in which they have a written diagnosis from a licensed physician of a physical or mental impairment that results in marked and severe functional limitations. Both physical and mental disabilities (including certain mental illnesses) may qualify someone to open a WVABLE STABLE Account

### Important Program Update – expanded list of Authorized Legal Representatives (ALR) who can establish a WVABLE Account:

A WVABLE account can be opened by a qualifying person with a disability, or if the individual chooses, they may designate an Authorized Legal Representative (ALR) to act on their behalf. If the Eligible Individual is unable to establish a STABLE Account, the ALR may be the eligible individual's agent under a power of attorney or, if none, a conservator or legal guardian, a spouse,

*(WVABLE continues on p5)*

2021 WV MONTHLY COST OF CARE



(WVABLE Continues from p4)

parent, a sibling, a grandparent, or a SSA representative payee (individual or organization), in that order. If an ALR establishes a STABLE Account, the ALR must certify the basis for acting as the ALR and must also certify that there is no other willing and able person with a higher priority in the above list.

**Program Growth:**

WVABLE celebrated its 4th anniversary in February 2022 and since the inception of the program, WVABLE Accountholders have contributed more than \$4 million dollars into their WVABLE Savings accounts with the average account balance reaching \$7,000 - more than three times the amount a person could save before the ABL Act was passed. In FY2022 162 new accounts were established with over 500 West Virginians with a disability currently saving and investing in their WVABLE Account.

Proposed Federal Legislation called the ABL Age Adjustment Act is making its way through Congress and if passed, will make it possible for more than 6.1 million Americans with a disability, including one million veterans, to save money without being at risk for losing eligibility of their federal disability benefits. The proposed legislation would increase the age limit of onset of disability from before 26 to before 46. Sign up to receive WVABLE’s Quarterly newsletter to stay up to date on the progress of the ABL Age Adjustment Act by clicking here: <https://www.wvtreasury.com/Savings-Programs/WVABLE/Resources#1352238-wvable-e-newsletter---join-our-mailing-list>

**WANT TO LEARN MORE OR READY TO ENROLL?**

Please visit our website at, <https://wvtreasury.com/WVABLE> or call 304-340-5050 with your questions.

**FOR JEANNIE, WVABLE IS FREEDOM** – click below to hear Jeannie’s story. <https://www.youtube.com/watch?app=desktop&v=c2j7IHPHJzo&feature=youtu.be> ■



Submitted by Roxanne Clay, Director  
WVABLE Savings Program  
West Virginia State Treasurer’s Office  
[Roxanne.Clay@wvsto.com](mailto:Roxanne.Clay@wvsto.com)

(Members Continues from p3)

**Alisa Mauk Lively**

Alisa is the Dean of Students and Director of Campus Life at West Virginia Wesleyan College. She is the Director for Upshur Special Olympics. She has a passion to ensure all West Virginia with disabilities are made aware of all the resources available to them. She was a mother to a daughter with disabilities who passed away at age thirty-three.

**Jennifer McGinley**

Jennifer is an attorney and was a managing partner at a successful firm in Morgantown, WV. She regularly handled SSDI cases, litigation lead, settlement negotiation, and appeal management. Jennifer wants to make the world a better place for individuals with disabilities.

**Sigal Kuhl**

Sigal is an Occupational Therapist who uses a variety of evaluations, tools and service models to evaluate and serve students with various learning and developmental delays. She is an advocate and is dedicated to individuals with disabilities. Sigal did volunteer work for the Deaf Blind project her son participated in and focused on maximizing his independence. ■





# Airline Passengers with Disabilities BILL OF RIGHTS

Airlines were reported to have lost or broken 10,548 wheelchairs or scooters in 2019. In 2018, 36,930 disability-related complaints were made to airlines. Airlines were reported to have lost or broken 10,548 wheelchairs or scooters in 2019, more than 1 out of every 100 they handle, yet little has been done to address the problem.



**Inclusion. On Purpose.**

Source: [On Purpose Project](#)

**Mission:** People with intellectual and developmental disabilities (PWIDD) have been historically marginalized and separated from the community. We believe that PWIDD are valuable assets that contribute to civic life. The On Purpose project demonstrates how bringing PWIDD into the heart of civic life helps build a strong and healthy community.

We are called On Purpose because we want to be intentional about inclusion and building community.

We create a clear path to civic inclusion for people with intellectual and developmental disabilities. On the surface that might look like inclusive garden clubs and community walks, but it is about something deeper.

We are choosing to be intentionally disruptive to systems, thought processes, and culturally ingrained beliefs around people with intellectual and developmental disabilities and what they can and cannot do.

If you are ready to step out of your comfort zone and help facilitate true connection and positive civic engagement for people with intellectual and developmental disabilities, then this is the place for you.

For more information visit: <https://onpurposewv.wordpress.com/> ■

This Bill of Rights describes the fundamental rights of air travelers with disabilities under the Air Carrier Access Act and its implementing regulation, 14 Code of Federal Regulations (CFR) Part 382.

## The Bill of Rights consists of:

1. The Right to Be Treated with Dignity and Respect.
2. The Right to Receive Information About Services and Aircraft Capabilities and Limitations.
3. The Right to Receive Information in an Accessible Format.
4. The Right to Accessible Airport Facilities.
5. The Right to Assistance at Airports.
6. The Right to Assistance on the Aircraft.
7. The Right to Travel with an Assistive Device or Service Animal.
8. The Right to Receive Seating Accommodations.
9. The Right to Accessible Aircraft Features.
10. The Right to Resolution of a Disability-Related Issue.

The Bill of Rights does not expand or restrict the rights of air travelers with disabilities. Rather, it provides a convenient summary of existing law. Because the explanations in this document may not be as precise as the regulations themselves, please go to [https://www.transportation.gov/sites/dot.gov/files/2022-07/508\\_Airline\\_Passengers\\_with\\_Disabilities\\_Bill\\_of\\_Rights\\_07132022\\_ADA.pdf](https://www.transportation.gov/sites/dot.gov/files/2022-07/508_Airline_Passengers_with_Disabilities_Bill_of_Rights_07132022_ADA.pdf) for more detailed information.

## Important Information About the BILL OF RIGHTS

### **Does the Bill of Rights reflect current information?**

- The Bill of Rights is a living document. DOT will update the Bill of Rights as regulations change.
- The latest Bill of Rights is available on DOT's Aviation Consumer Protection webpage, here. DOT published this Bill of Rights in July 2022.

### **Does the Bill of Rights apply to me?**

- The Bill of Rights applies to individuals with a disability which is defined in Part 382 as persons with a physical or mental impairment that permanently or temporarily impacts a major life activity such as walking, hearing, or breathing.

### **Does the Bill of Rights apply to my trip?**

- The Bill of Rights applies to all flights of U.S. airlines, and to flights to or from the United States by foreign airlines.
- The obligation to comply with government safety and security laws is a general exception to airlines' obligations described in this Bill of Rights.
- Also, some airlines are approved by DOT to use an alternative method to comply with a regulation when it provides an equivalent level of accessibility or it meets the objective of Part 382.
  - o These Equivalent Alternative Determinations and Conflict of Law Waivers are available here.

### **Are airline contractors subject to the same obligations as airlines?**

Airlines must make sure their contractors that provide services to the public meet regulatory obligations. Airlines are legally responsible for the action or inaction of their contractors.

#### **1. The Right to Be Treated with Dignity and Respect.**

An airline, including its employees and contractors, may not discriminate against an individual with a disability because of his or her disability.

- For example, an airline may not refuse transportation or other services because of one's disability or resulting appearance or involuntary behavior.
- An airline cannot require air travelers with disabilities to accept special services or subject them to restrictions that do not apply to other passengers, except passengers with disabilities may need to check-in early, provide advanced notice or documentation, or preboard to receive certain disability-related services.
- Airline personnel who deal with the traveling public must be trained to be aware of passengers with disabilities' needs and how they can be accommodated safely and with dignity.
- Airline employees and contractors must receive refresher training at least once every three years. Complaint Resolution Officials (the airlines' experts in resolving disability-related issues) must receive refresher training annually.

#### **2. The Right to Receive Information About Services and Aircraft Capabilities and Limitations.**

Airlines must provide air travelers with disabilities information upon request about the facilities and services available to them. The information must be specific to the aircraft scheduled for the flight, unless unfeasible (for example, an unpredictable aircraft substitution occurs).

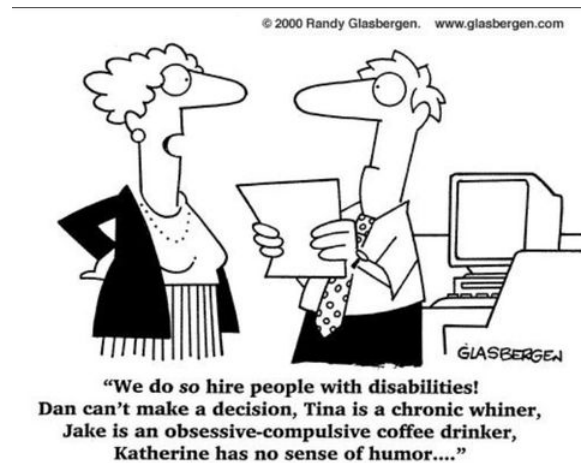
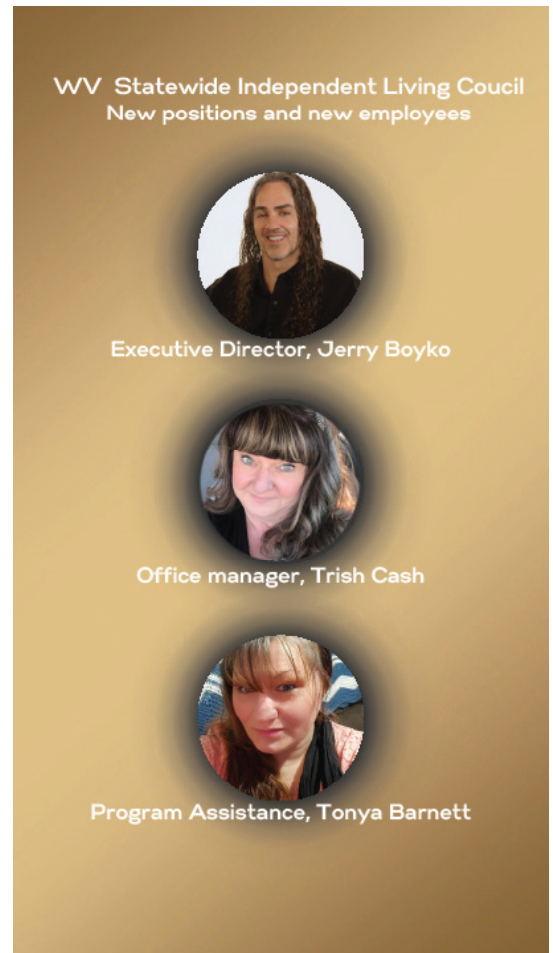
The information airlines must provide includes:

- any aircraft-related, service-related, or other limitations on the ability to accommodate passengers with a disability, such as limitations on level-entry boarding (Airlines must provide this information to any passenger who states that he or she uses a wheelchair for boarding, even if he or she did not request the information.).
- any limitations on the availability of storage on the aircraft for assistive devices.
- the specific location of seats with movable aisle armrests.
- whether the aircraft has an accessible lavatory.
- the types of services that are not available on the flight.

#### **3. The Right to Receive Information in an Accessible Format.**

An airline's primary website must be accessible if the airline uses an aircraft with more than 60 seats. In addition, airlines must ensure that automated kiosks they install after December 2016 at U.S. airports with 10,000 or more enplanements per year are an accessible model, until 25% of kiosks at each airport location are the accessible model.

Passengers who identify as needing visual or hearing assistance must receive prompt access to the same trip information as other passengers at the gate, ticket area, customer service desk, and on the aircraft (so long as it does not interfere with airline employees' safety duties).





**Paul W. Smith**  
 Director, FSN  
 Phone: 304-766-0061  
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 Fax: 304-766-4721  
[www.fairshake.org](http://www.fairshake.org)

## Tee Shirts For Sale

Fair Shake Network tee shirts are now available for sale at the cost of \$8 for members and \$10 for non-members. The cost of shipping is \$3 if you need the shirt to be mailed to you. The shirts sizes are limited. Contact us for available sizes. They are red and have the FSN logo in the center of the shirt. You can go online and order at [www.fairshake.org](http://www.fairshake.org) or call 304-766-0061. ■



Jack Smith, 42, a Disabled Miner in Rhodell, West Virginia, is wheeled down the Street by His Daughter, Donna, 16, to the Beer Joint He Operates 06-1974



*(Airlines continued from p7)*

Airlines must train personnel to recognize requests for communication accommodation. The personnel must be trained to use the most common methods for communicating with individuals who are blind, deaf, or hard of hearing that are readily available, such as writing notes, for example Personnel must also be trained to use established means for communicating with deaf-blind passengers when they are available, such as passing out Braille cards if available, reading an information sheet that a passenger provides, or communicating through an interpreter, for example.

### 4. The Right to Accessible Airport Facilities.

Airlines and U.S. airport operators are both responsible for the accessibility of airport facilities. The Air Carrier Access (ACAA) and Department's implementing regulation in 14 CFR Part 382 cover airlines' obligations. Various other federal statutes and regulations apply to U.S. airport operators, for example, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and their implementing regulations. Airlines and airport operators have concurrent obligations to ensure accessibility of airport facilities.

This Bill of Rights describes the obligations of airlines under the ACAA. In general, airlines must ensure that terminal facilities that they own, lease, or control are readily accessible and usable by passengers with disabilities at U.S. airports, and readily usable at foreign airports. Airports are responsible for ensuring compliance of facilities that they own, operate, or lease to other parties, including airlines.

Airlines must ensure an accessible route between the gate and the aircraft boarding location. When level-entry boarding is not available, such as boarding via a jet bridge, airlines and U.S. airports must ensure ramps or mechanical lifts are available to service most flights.

Airlines, in cooperation with airport operators, must also provide service animal relief areas at the airport.

### 5. The Right to Assistance at Airports.

Passengers with disabilities must be provided prompt and timely enplaning and deplaning assistance, upon request, from properly trained airline personnel. This must include:

- the services of personnel and the use of ground wheelchairs, accessible motorized carts, boarding wheelchairs, on-board wheelchairs, and ramps or mechanical lifts, as needed.
- assistance with moving from the curb to the departing flight, assistance with transportation between gates to make connections, and assistance with moving from the arriving flight to the curb for pick-up.
- assistance with accessing key functional areas of the terminal such as the ticket counter or baggage claim, or to a restroom entrance (if time allows). escorting a passenger with a service animal to an animal relief area at a U.S. airport.

Passengers who request assistance in advance of arriving at the airport need to self-identify to airline personnel once they arrive at the airport or the gate to receive the assistance.

Airlines cannot require the passenger to accept a specific form of assistance that he or she does not request (ex: requiring a wheelchair when a sight guide was requested).



(Airlines continued from p8)

In addition, the airline cannot leave a passenger unattended for more than 30 minutes in a wheelchair or other device, in which the passenger is not independently mobile.

#### **6. The Right to Assistance on the Aircraft.**

Airlines must allow a passenger with a disability who self-identifies at the gate as needing additional time or assistance to board, stow accessibility equipment, or be seated, the opportunity to board before all other passengers.

- Except, an airline with an open seating policy has been approved by DOT to accommodate extra-time passengers after an initial group of passengers have boarded, but early in the boarding process.

Passengers with disabilities must be provided prompt and timely boarding and deplaning assistance, upon request, from properly trained airline personnel.

- This includes assistance with moving to and from seats.
- If level loading bridges are not available, a lifting device must be provided
- to assist persons with limited mobility safely on and off the aircraft at most U.S. airports, except when boarding smaller aircraft (less than 19 seats).
- For smaller aircraft and non-primary U.S. airports or foreign airports, airlines must ensure boarding and deplaning assistance by any available means acceptable to the passenger.
- However, airlines must never hand-carry a passenger (directly pick up a passenger's body in the arms of airline personnel) on or off an aircraft, except in an emergency.

Once a passenger with a disability has boarded, airlines must provide assistance, if requested, such as:

- moving to or from the lavatory, including using an on-board chair to assist, if requested.
- stowing and retrieving carry-on items, including assistive devices.

#### **7. The Right to Travel with an Assistive Device or Service Animal.**

*Traveling with Assistive Devices on Aircraft* - Airlines must allow assistive devices as carry-ons in the cabin free of charge consistent with safety rules.

- This includes medical devices and/or a personal amount of medication that assist the passenger with his or her disability.
- Assistive devices must not count against the passenger's carry-on limit.
- Priority in-cabin stowage (either a closet or a row of seats designated for seat strapping) must be available for at least one normal-sized collapsible manual wheelchair in any aircraft with 100 or more passenger seats.
- Airlines that use seat strapping should provide space for at least two of these wheelchairs if stowing the second wheelchair would not displace passengers.
- The priority stowage requirements do not apply to older aircraft.

Manual wheelchairs that cannot be transported in the cabin must be transported in the cargo compartment consistent with safety and security requirements.

Airlines must accept a battery powered wheelchair, if it fits in the cargo compartment and can be transported consistent with safety and security requirements.

## **A disabled woman was stranded on a plane for a 'demeaning' 95 minutes after staff meant to help her off the flight were a no-show**

- A wheelchair user was left stranded on a plane for over an hour and a half after airport staff failed to assist her off the flight.
- The Gatwick Airport staff never arrived to help Victoria Brignell off her flight from Malta.
- She is calling for the aviation sector to change, with redesigned planes that cater to wheelchair users.

Victoria Brignell, 45, landed at Gatwick airport on her British Airways flight from Malta on June 4. Being paralyzed from the neck down, Brignell uses a wheelchair and was aware there would be a short wait to get off the flight.

However, the staff at Gatwick airport, near London, never arrived to get her off the plane.

Brignell explained to Insider that when a plane lands, she needs to be lifted from her plane seat into an aisle chair, a specialist wheelchair used to transport wheelchair users to the door of the plane and then transferred into their wheelchairs.

"When I landed at Gatwick, the crew told me that it would take 50 minutes for staff to come to get off the plane. Later, I was then told it would be another half an hour on top.

"The airline staff were wonderful. They kept asking me if I was okay, they were offering me drinks, and they wouldn't stop apologizing even though it wasn't their fault," Brignell told Insider.

In the "frustrating" 95 minutes, Brignell was stuck in an uncomfortable position propped up by cushions to support her body and without a bathroom to use, as commercial airlines do not have accessible toilets.

Eventually, Brignell and the British Airways staff gave up waiting, and the crew helped



(Stranded continued from page 9)

her off the plane.

“As I was moving away from the plane, I saw all these poor passengers waiting at the departure gate who were waiting for their flight for an hour and a half because I was stuck on the plane.”

“If you improve services for disabled people, you improve them for everybody, and you can see that here by the next flight being delayed by an hour and a half.”

Brignell was accompanied on the flight with her carers and friend, Kevin Bonavia, who said, “leaving disabled passengers stranded is shameful. I was shocked when the pilot first told us that Victoria would have to wait at least 50 minutes for assistance. The excuse given of staff shortages was unacceptable, and backup plans should have been in place.”

Gatwick Airport has since apologized for the incident. A spokesperson told Insider: “The treatment received at the airport was unacceptable. Gatwick’s Chief Executive and Chief Operating Officer have both spoken to and offered their sincere apologies to Victoria.”

The airport told Victoria that subcontractor Wilson James managed the staff who failed to assist her.

They told Insider: “We are deeply disappointed to have delivered a poor service on this occasion. While the aviation sector, in particular, is struggling with well-documented pressures, Ms. Brignell’s experience is unacceptable and falls far below our values and aims as a service provider; the Wilson James team extends our sincere apologies to her. Wilson James and the airport are investigating the incident as a matter of priority.”

**Not an isolated incident**

Brignell said that this was only the second flight she’d ever been on and had been put off by flying due to “horror stories” from other wheelchair users.

“I want to stress that this isn’t an isolated incident,” Brignell said.

She recalled the recently reported case of Daryl Tavernor, a wheelchair user who was left on a flight for two hours at Manchester

(Airlines continued from p9)

Airlines must also provide for the checking and timely return of assistive devices at the gate for use in the terminal.

Should an airline lose, damage, or destroy the wheelchair or other assistive device, the airline must provide compensation in an amount up to the original purchase price of the wheelchair or device.

**Traveling with Service Animals**

Airlines must permit a service dog to accompany a passenger with a disability in the aircraft cabin unless:

- the dog poses a direct threat to the health or safety of others;
- the dog causes a significant disruption or misbehaves in the cabin or at an airport gate area;
- the dog’s carriage would violate a U.S. or foreign law;
- current DOT forms weren’t provided as required by the airline for the trip.

A decision by airline personnel to refuse transportation of a service dog with the passenger must be based on an individualized and objective assessment of the dog that considers the nature of the risk and the likelihood that harm will actually, or continue to, occur. The assessment should also consider whether mitigations are available.

Airlines cannot deny transportation of the service dog if there are means that would mitigate the problem.

**8. The Right to Receive Seating Accommodations.**

Airlines must provide specific seats to the following passengers who identify to airline personnel as needing the seat, if the seat exists on the same class of service on the aircraft:

- **Movable Aisle Armrest**—When the passenger uses an aisle chair to board and cannot transfer readily over a fixed aisle armrest.
- **Bulkhead Seat or Other Seat**—When the passenger travels with a service animal that is best accommodated at a particular seat.
- **Greater Leg Room**—When the passenger has a fused or immobilized leg.
- **Adjoining Seat**—For a companion providing a certain type of assistance, such as:
  - A personal care attendant who performs a function that is not required to be performed by airline personnel, for example assisting a passenger with a disability with eating;
  - A reader for a passenger who is blind or low vision;
  - An interpreter for a passenger who is deaf or hard of hearing; or
  - A safety assistant if a passenger with a disability cannot assist with their own evacuation.

For passengers not specified above, airlines must provide a seat assignment that best accommodates his or her disability if the passenger meets the airline’s procedures.

Airlines must provide seating accommodations using one of three methods: the block method, the priority method, or preboarding (if the airline does not provide advance seat assignments).

**9. The Right to Accessible Aircraft Features.**

New aircraft delivered to U.S. airlines after April 1992 and to foreign airlines

(Airlines continued from p10)

after May 2010 must have accessible features that include:

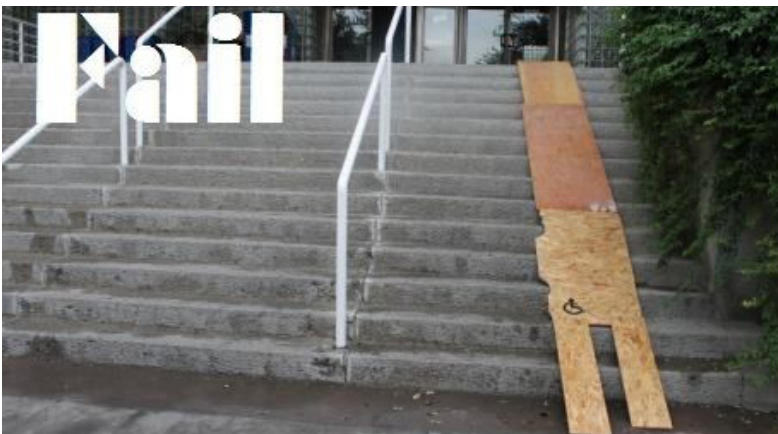
- Movable aisle armrests on half of the aisle seats, if the aircraft has 30 or more seats.
  - DOT has approved some airlines to meet the purpose of this requirement by alternative means that provide substantially the same or greater accessibility to passengers with disabilities.
- Priority stowage space for wheelchairs in the cabin for aircraft with 100 or more seats.
- At least one accessible lavatory, if the aircraft has more than one aisle.
- An on-board wheelchair, if the aircraft has an accessible lavatory, or the passenger gives the airline advance notice that he or she can use an inaccessible lavatory and needs an on-board chair to reach it.

Airlines with older aircraft with 30 or more seats that replace the aisle seats, must ensure half of these seats have movable aisle armrests. Also, if an airline replaces a lavatory on a twin-aisle aircraft, there must be an accessible lavatory.

#### 10. The Right to Resolution of a Disability-Related Issue.

Airlines must make available a Complaint Resolution Official (CRO) in a timely manner, this may be by phone.

- The CRO should be trained as an expert in resolving disability-related issues and be able to resolve disability-related issues on the spot.
  - Passengers with disabilities who are not satisfied with air travel services, may file a complaint with the airline or DOT. Complaints concerning issues under the airport's responsibility can be filed with the airport, FAA or DOJ.
- Airlines must respond and directly address the disability related issues in your complaint in writing within 30 days, but airlines are not required to address complaints sent more than 45 days after the incident unless the complaint is referred to the airline by DOT.
- DOT will refer all disability-related complaints it receives within 6 months of the incident for response by the appropriate carrier.
- DOT investigates all disability-related complaints it receives to determine whether a violation of the Air Carrier Access Act occurred.
- Passengers with disabilities who have pressing questions about their rights should ask to speak with the airline's CRO. Airlines must have a CRO available at each airport they serve during all times the airline is operating at that airport. Passengers may also contact the DOT Disability Hotline at 1-800-778-4838. The hours for the hotline are 8:30am to 5:00pm Monday-Friday. ■



(Stranded continued from p10)

airport and eventually had to call the police in order to be assisted out of the plane.

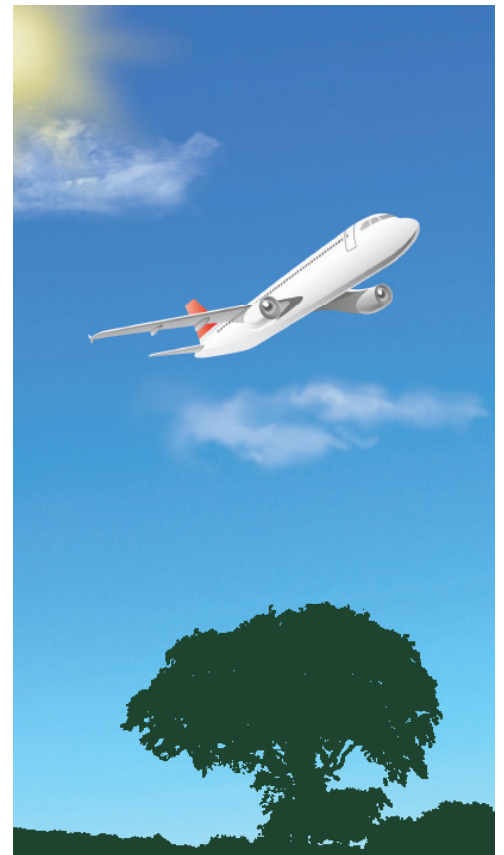
Brignell had received support from House of Lords peer Lady Tanni Grey-Thompson, who told Good Morning Britain that she was recently forced to crawl off a plane when she was not assisted in disembarking.

Brignell is now calling for substantial changes to the airline industry to support disabled passengers.

“In the long term, we need to look towards having airplanes redesigned, so we can travel in our wheelchairs.

“That will avoid me needing staff to come and help me off the plane, it will make the journey much more comfortable for me, and thirdly it will avoid the risk of my wheelchair going missing or being broken.”

I can travel in my wheelchair on a bus, on a train, and in a taxi. In this day and age, I should be able to fly in my wheelchair, too,” Brignell told Insider. ■





# Aaron Fotheringham Unveils Hot Wheels' New Remote-Controlled WCMX Wheelchair



## DO YOU KNOW YOUR ACRONYMS IN THE DISABILITY COMMUNITY?

ACIL	Appalachian of Centers for Independent Living
ADA	Americans with Disabilities Act
APRIL	Association of Programs for Rural Independent Living
CART	Computer Assisted Real Time Transcription
CIEP	Coalition on Inclusive Emergency Planning
CILS	Center for Independent Living
DRS	Division of Rehabilitation Services
NCIL	National Council on Independent Living
ODHH	Office of Deaf and Hard of Hearing
SPIL	State Plan for Independent Living
WVARF	West Virginia Association of Rehabilitation Facilities
WVAD	West Virginia Association of the Deaf
WVDHHR	West Virginia Department of Health and Human Resources
VR	Vocational Rehabilitation
PWD	Person/people with Disabilities
PCA	Personal Care Attendant
NDRN	National Disability Rights Network
LDA	Learning Disabilities Association
ISP	Individualized Service Plan
FSN	Fair Shake Network
DDC	Developmental Disabilities Council
AFB	American Foundation for the Blind
ASD	Autism Spectrum Disorders

In 2018, Hot Wheels introduced its first-ever wheelchair, a slickly-packaged, matchbox-sized WCMX chair. Now, Hot Wheels is releasing a remote-controlled wheelchair toy modeled on WCMX icon Aaron “Wheelz” Fotheringham.

The RC Aaron Wheelz Wheelie Chair can do wheelies while traveling up to 6 miles per hour and comes with a ramp, allowing users to replicate Fotheringham’s high-flying jumps and death-defying tricks.

Fotheringham says he grew up playing with Hot Wheels and remembers their impact on him as a child. Now he’s been able to relive those moments with a toy modeled on him. “It’s honestly been unreal,” he says. “Out of everything I’ve been able to do, the partnership with Hot Wheels has repeatedly blown my mind.”

As much fun as he’s had driving the remote-controlled Wheelz off ramps, Fotheringham is most excited about the toy’s potential impact on expanding representation and changing the way people think about disability.

“It’s been cool to be able to bring a different light to the wheelchair and disabilities in general,” he says. “It’s cool to see the way people play with the toy and then something clicks in their head and changes their perspective.”

representation aside, any RC toy intended to emulate Fotheringham had to be able to go fast, jump high, take a beating and keep on going. Fotheringham is happy to report his new toy checks all the boxes. “It honestly takes some abuse,” he says. “I’ve been jumping this thing off everything, and it really just tumbles and gets back up.”

The ability to get back up comes from a tab on the back of the toy that allows the user to self-right the chair if it ends up on its side after a trick. For Fotheringham — who proudly says “crashing is what I’m best at” — the self-righting mechanism is key. “I think that’s pretty cool,” he says. “It shows if you fall, get back up.”

The Hot Wheels RC Aaron Wheelz Wheelie Chair is sold exclusively on Amazon. It’s currently available on pre-order for \$42.99 with a Nov. 1 release date. ■



# Healthy Flourless Pumkin Muffins



## Ingredients:

cup	Pumpkin Puree (please see notes for tips)
½ cup	Pure Maple Syrup (please see notes for substitutions)
2	Eggs (please see notes)
2 teaspoons	Vanilla Extract
4 tablespoons	Almond Butter (please see notes for substitutions)
¼ cup	Unsweetened Vanilla Almond Milk
2 ¼ cups	Rolled Oats
1 teaspoon	Baking Powder
½ teaspoon	Baking Soda
½ teaspoon	Salt
1 teaspoon	Ground Cinnamon
½ cup	Dark Chocolate Chips (plus more for topping)

## Notes:

**Rolled Oats**– Using a high speed blender breaks down the rolled oats to a super fine texture that creates the perfect fluffy muffin. this option is preferred to keep them flourless (in the literal sense- obviously they are not grain-free), but you could also use oat flour and make these muffins in a bowl instead of the blender.

**Pumpkin Puree**– A go-to brand for pumpkin puree is Farmer’s Market because it’s organic and comes in BPA-free packaging. However, Libby’s is the most common brand available and Farmer’s Market tends to have a little more liquid than Libby’s. If you’re using Libby’s it is recommend to add a few tablespoons of milk.

**Eggs**– eggs are key to assuring these muffins rise and cook properly.

**Pure Maple Syrup**– it means the recipe is refined sugar-free which is always a win. If you want to substitute with a dry sweetener (like sugar) you’ll likely need to adjust the amount of liquid (in this case milk) which will require some experimenting on your part.

**Almond Butter**– for added protein but equal amounts of neutral oil or melted butter will work the same.

## How to make:

If you have a high speed blender, all you have to do is throw the ingredients in and blend until smooth. The key to easy blending is to make sure you layer all of the wet ingredients on the bottom.

\*Add the chocolate chips, stir together, then pour the batter into a muffin tin and bake!

**LIFE HACK**

## Touch Lamp

While many people know what touch lamps are, do you know how helpful a touch lamp can be? It is a lamp that only requires a light tap/touch to turn on. A touch lamp is easier to use when you have limited mobility or dexterity. Amazon.com offers these lamps at a reasonable price.



**LIVING on the EDGE**



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# UPCOMING EVENTS

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## WV STATEWIDE INDEPENDENT LIVING COUNCIL MEETING SCHEDULE

### **December 7, 2022 - Full Council Meeting**

9:00 AM - 4:00 PM

WV Division of Rehab Services and Hybrid/zoom

### **January 4, 2023 - Executive Committee**

1:00 PM

SILC Office - Hybrid/Zoom

### **February 1, 2023 - Full Council Meeting**

9:00 AM - 4:00 PM

WV Division of Rehab Services and Hybrid/zoom

### **March 1, 2023 - Executive Committee**

1:00 PM -

SILC Office - Hybrid/Zoom

### **April 5, 2023 - Full Council Meeting**

9:00 AM - 4:00 PM

WV Division of Rehab Services and Hybrid/zoom



AmazonSmile is a simple and automatic way for you to support your favorite charitable organization every time you shop, at no cost to you. When you shop at [smile.amazon.com](https://smile.amazon.com), you'll find the exact same low prices, vast selection and convenient shopping experience as Amazon.com, with the added bonus that Amazon will donate a portion of the purchase price to WVSILC. To shop at AmazonSmile simply go to [smile.amazon.com](https://smile.amazon.com) from the web browser on your computer or mobile device and choose WV Statewide Independent Living Council