



DREDF and TLDEF File Claims Against TSA for Discrimination Against Transgender Couple with Disabilities

Claims include misgendering, offensive questions and comments, failure to accommodate and sexual assault. (Note: This press release contains a description of sexual assault.)

(Berkeley, CA - March 21, 2023) — Disability Rights Education and Defense Fund (DREDF) and Transgender Legal Defense and Education Fund (TLDEF) filed claims with the Transportation Security Administration (TSA) on behalf of two transgender individuals with disabilities, August Rocha and Christine Muller, alleging discrimination based on disability and transgender status.

August Rocha (he/him) and Christine Muller (she/her) are a transgender couple living in Wisconsin. Mr. Rocha has Behçet's disease, which causes inflammation in his blood vessels and chronic severe pain. He uses a walker and wheelchair for mobility. Both Mr. Rocha and Ms. Muller experience gender dysphoria.

Detailed in the claims filed, [Mr. Rocha](#) and [Ms. Muller](#) were discriminated against by TSA agents based on disability and transgender status while traveling through the Milwaukee Mitchell Airport and Los Angeles International Airport in May 2022. Mr. Rocha faced further discrimination while traveling through the Dulles International Airport in October 2022.

TSA agents at Milwaukee Mitchell Airport did not let Mr. Rocha use an airport-provided wheelchair during security screening. They also refused to let him sit down or use his walker while he waited 20 minutes for a pat-down. As Mr. Rocha pleaded for accommodation, he was misgendered by agents and told "we are not wheelchair people" and "we do not deal with *this* (gesturing to him)." After his pat down, Mr. Rocha was denied wheelchair assistance to his gate, and TSA returned his walker with a broken brake.

At the Los Angeles International Airport, a TSA agent told Mr. Rocha he had to wait to be searched because TSA agents did not "know what [he] was." Mr. Rocha identified himself as a male and expressed a preference for a female agent to conduct his pat-down. The agent denied that request, and later told Mr. Rocha "no one wants to touch you." Eventually a female agent agreed to conduct a pat-down, but asked Mr. Rocha highly intrusive questions about his genitalia and any surgical history while she did it.

At the Dulles International Airport, TSA agents referred to Mr. Rocha as "it" and argued in front of other passengers over who would pat him down.

Ms. Muller also faced mistreatment, in her case including sexual assault. TSA agents at the Milwaukee Mitchell Airport misgendered her, and they made her go through additional screening because she is transgender. At the Los Angeles International Airport, Ms. Muller asked for a female agent to do her pat-down. The agent denied her request. The male TSA agent who conducted the pat down fondled her breasts with the palms of his hands and his fingers while commenting "don't worry, I'm good with the transgenders." This sexual assault occurred in full view of other TSA agents, but no one intervened.

"In filing this claim we are standing up for folks who have been marginalized like us. There needs to be change, and we realized no one was going to make it for us," stated Mr. Rocha, who [chronicled the experience in a TikTok](#).

Ms. Muller added: "I used to love flying but since being molested by the TSA agent I have had increased anxiety, panic attacks, and a sense of hopelessness and anger. No one should have to fear being hurt or harassed traveling in the United States."

"People with disabilities, LGBTQI+ people, and people living at the crossroads of those identities, face unique challenges and barriers when traveling. TSA agents and other airport personnel have illustrated time and time again that they do not consistently treat members of these communities with dignity and respect. The experiences of August and Christine demonstrate this fact. Change is needed," said Michelle Uzeta, Senior Counsel at DREDF.

"Unfortunately, profiling, discrimination, and violence based on gender, disability, race, and religion is a reality in our nation's airports and on the streets. Disabled trans people are tired of it—we deserve safety and freedom to travel, and we will keep fighting until we get it," said Gabriel Arkles, Litigation Director at TLDEF.

The claims of Mr. Rocha and Ms. Muller seek changes in the way TSA agents interact with and accommodate people who are transgender and/or disabled, training of TSA agents, and monetary damages.

The claims were filed on March 16, 2023, and are now being processed by TSA.

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[Disability Rights Education and Defense Fund \(DREDF\)](#), based in Berkeley, California, is a national nonprofit law and policy center dedicated to advancing and protecting the civil and human rights of people with disabilities. Founded in 1979 by people with

disabilities and parents of children with disabilities, DREDF remains board- and staff-led by members of the communities for whom we advocate. DREDF pursues its mission through education, advocacy, and law reform efforts, and is committed to increasing accessible and equally effective healthcare for people with disabilities. DREDF supports legal protections for all diversity and minority communities, including the intersectional interests of people within those communities who also have disabilities.

[The Transgender Legal Defense & Education Fund \(TLDEF\)](#) is committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender people through public education, test-case litigation, direct legal services, and public policy efforts. To learn more about TLDEF's work, visit [tldef.org](#).

Media Contacts:

Tina Pinedo, tpinedo@dredf.org, 510-644-2555 ext. 5226
TLDEF, communications@transgenderlegal.org

Media Contact

Jonathan Adams, Director of Communications

Phone: [646-845-4205](tel:646-845-4205)

Email: communications@transgenderlegal.org

Content last updated on Mar 24, 2023 - PDF generated from: <https://transgenderlegal.org/stay-informed/dredf-and-tldef-file-claims-against-tsa-for-discrimination-against-transgender-couple-with-disabilities/> on May 17, 2024.

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