

December 4, 2013, New York, NY” A cross-office collaboration between Legal Services NYC's Manhattan and Brooklyn programs has resulted in a tremendous victory on behalf of a transgender client who asserts she was discriminated against by New York City’s Human Resources Administration (HRA).

Press coverage: [New York Law Journal](#) (subscription required), [Gay City News](#)

[Click here](#) to read more about the lawsuit.

The client, Jane Doe, was assigned male at birth, but has identified as female since early childhood and has been diagnosed with Gender Identity Disorder. After receiving appropriate treatment and obtaining a legal name change, she approached HRA and asked the agency to update its records to reflect both her correct gender identity and her new legal name, and also to issue her a new benefits card to reflect these changes. Despite being given a court issued name change order and a letter from Ms. Doe’s physician reflecting that she had completed treatment for transitioning from male to female, HRA denied Ms. Doe’s request on the grounds that it required an amended birth certificate. It was impossible for Ms. Doe to comply with this requirement, as she was born in Puerto Rico, where gender markers may not be amended on documents such as birth certificates. HRA employees also went out of their way to harass and discriminate against her, insisting on calling her by her former male name and using masculine pronouns, and forcing her to sign a release accompanying her request with her male name.

Cathy Bowman and **Sonja Shield** of South Brooklyn Legal Services (SBLS) and **Dan Pepitone** of Manhattan Legal Services (MLS) brought suit on Ms. Doe’s behalf against HRA, alleging violations of both New York State and City Human Rights Law. The city moved to dismiss, asserting that no tangible benefit had been denied to Ms. Doe and that the city agency workers’ treatment of her did not rise to the level of discrimination.

Denying the city’s motion to dismiss, **Judge Margaret Chan** of the New York State Supreme Court found that, while the City’s policy requiring amended birth certificates in order to update its records might be facially neutral, its impact on the transgender community is not, as is evidenced by the impossibility of Ms. Doe complying with the agency’s policy. Furthermore, assuming Ms. Doe’s allegations about her treatment by HRA to be true, the agency’s employees’ actions were “not a light matter, but [were] laden with discriminatory intent,” wrote Judge Chan. “Their acts are against the tenets of HASA which is to assist its clients with housing, medical and financial needs. It cannot be said that plaintiff felt demeaned for any reason other than abject discriminatory reasons.”

“New York City has refused to even acknowledge that its policies deny transgender clients equal access to benefits,” said Cathy Bowman, LGBT and HIV Unit Director at SBLS. “They maintained that position throughout this case. It obviously was going to take a court spelling out the nature of the discriminatory impact, and this decision couldn’t be more clear.”

“I hope this will change things at HRA,” said Ms. Doe. “They act like transgender women are troublemakers but the truth is that they need to be re-educated.”

“It’s so important for a court to state that calling a transgender person by the wrong name or gender is demeaning and discriminatory,” said MLS Staff Attorney Dan Pepitone. “Repeatedly using the wrong name and pronouns until you’ve reduced a person to tears is not an honest mistake—it’s harassment.”

Having prevailed on the motion to dismiss, the LSNYC attorneys and Ms. Doe will now evaluate their next steps.

[Click here](#) to view a PDF of the decision.

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