

Decision 2/2017 Travel Agency Commissioner - Area 2

Andreas Körösi
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Applicant: MUSHAMBO AFRICAN SAFARIS TRAVEL & TOURS LTD.
IATA Code # 67-2 1041 5
Zambia

Respondent: International Air Transport Association (IATA)
King Abdullah II Street, Al Shaab Roundabout
Business Park, Building GH8
P.O. Box 940587
Amman 11194 Jordan

NOTE:

This summarized decision is being posted as the Parties have received it. Occasional requests for clarification are not posted. However, should any Stakeholder requests it, a copy of such clarification will be sent to her/him.

Decision:

The Applicant has been defaulted due to accumulation of Irregularities. The issue at hand being that *Mushambo African Safaris*, due to a human error, transmitted the debt of US\$ 510.00 to IATA's local currency account instead of to IATA's US\$ account.

This was done 10 days prior to Due Date and the Applicant in its plea stated that should they have been made aware of this mistake on time, they would have been able to correct before Due Date.

IATA rightfully states that it is an Agent's obligation to pay to the correct account (Resolution 818g, Attachment "A" § 1.7.3) to the correct account, and also adds that, unfortunately, even though a relatively small amount: "... *because the late received amount represent the entire 20161102F billing...*" IATA is not in a position where the Irregularity can be withdrawn invoking the Minor Error Rule.

After considering all statements, and mainly based on the following circumstances:

- a) Payment was executed 10 days prior to Due Date,
- b) At no time IATA Member Airlines' funds were at risk,

c) Should IATA have timely notified that funds were received to the wrong account,

The incident is hereby considered as an excusable human error, falling within the intentions of the Minor Error Rule.

I decide as follows:

- IATA has followed Resolution's requirements
- The Irregularity shall be withdrawn and expunged from the Applicant's records
- *Mushambo African Safaris'* temporary reinstatement shall become permanent.

This Decision is effective as of today.

Decided in Stockholm, on January 15th, 2017

Andreas Körösi
Travel Agency Commissioner
IATA-Area 2

In accordance with Res 820e § 2.10 any Party may ask for an interpretation or correction of any error in computation, any clerical or typographical error, or any error or omission of a similar nature which the Party may find relevant to this decision. The time frame for these types of requests will be maximum 15 calendar days after receipt of this decision. Meaning as soon as possible and **not later than 30 January 2017**.

Please also be advised that, unless I receive written notice from either one of you **before** the above mentioned date this decision will be published in the Travel Agency Commissioner's secure web site, provided no requests for clarification, interpretation or corrections have been granted by this Commissioner, in which case the final decision will be posted right after that.

Please note that if after having asked for and obtained clarification or correction any Party still considers aggrieved by this decision, as per Resolution 820e §4, the Party has the right to seek review by Arbitration in accordance with the provisions of Resolution 824 §14.

Please let me know if any of the Parties requires a signed hard copy of this decision and I will send one once the time for "interpretation or correction" has elapsed.