

## Decision 8/2017 Travel Agency Commissioner - Area 2

Andreas Körösi  
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S-102 45 Stockholm, Sweden

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**Applicant: PINNACLE (K) TRAVEL & SAFARIS LTD.**  
IATA Code # 41-2 1093  
Kenya

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

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### 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:

Despite the unfortunate wording in the email from IATA dated February 27<sup>th</sup> about deadline to settle, the "true position" of IATA as referred to by the Applicant, **is according to the formal Notice of Irregularity** dated 20<sup>th</sup> February. This is also in line with Resolution's requirements: meaning **deadline to settle was on the 21<sup>st</sup>** of February and I cannot see any real mitigating circumstances why **Pinnacle Travel** did not comply.

Having said the above, and also considering the circumstances leading to the Irregularity, namely the administrative handling of an SPCR, I find the Irregularity having been caused by "*an excusable human error*".

Since the "outstanding", rightfully belonging to the Applicant, obviously and at no point has caused risk for prejudiced collection of Member Airlines' funds, and also being convinced that **Pinnacle Travel** will do what is needed to ensure full compliance in the future:

It is hereby decided as follows:

- IATA has followed proper procedures;
- The Irregularity shall remain on the Applicant's records;
- The administrative recovery fee shall remain;
- Having cleared all "ACMs" correctly,

- The Applicant shall be reinstated, and,
- Any further consequences of the "default action", as reinstatement requirements shall be voided.

**This Decision is effective as of today.**

Decided in Stockholm, on March 1<sup>st</sup>, 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 March 15<sup>th</sup>, 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.