

## Decision 40/2017 Travel Agency Commissioner - Area 2

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**Applicant: *Perelet LLC***  
IATA Code # 72-3 2007  
Ukraine

**Respondent: *Lufthansa German Airlines ("LH")***

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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:**

***Perelet LLC*** was served an ADM (№ 60220092752) by LH, for the amount of UAH 57,273.

LH reasons, in brief: The ADM was issued due to booking <<manipulations through so-called married segments>>.

LH audit department has confirmed that even though ***Perelet*** at that time did not have IATA accreditation they were responsible for the booking made in October 2016 and thus should be held accountable. The GDS used was Amadeus designated IEVU22610 and: <<Perelet had login ability>> at that time.

***Perelet*** reasons, in brief: It claims that they have not had any dealings with this ticket, and presented, amongst other evidence, a letter from *AviaLux Ltd.*, confirming that: <<... *the IEVU22610 was installed in the office as per address: 48/28b, Verkhniy Val...>>.*

Conclusion this "address" did not belong to ***Perelet***.

***Perelet*** had disputed the ADM in due time and according to Resolutions, but they were still processed through BSP.

### **Considerations:**

Since LH insisted on the correctness of their intel, this Office asked Amadeus to confirm or deny the information presented.

Amadeus legal department in Madrid, despite reminders, did not present viable information other than: <<Amadeus has no records left about who was responsible or where IEVU22610 was located at the time of the offence>>.

Having carefully read all statements again, I have come to the following conclusions:

- LH has not been able to provide convincing evidence about **Perelet's** involvement in the reasons behind the ADM.
- The ADM was timely and correct disputed by **Perelet**.
- According to my view, acknowledging the "ticketing abuse" leading to this ADM, LH's claims in connection with this ADM should be directed to the ticketing Agent, holder of the IATA numeric code 72-3 2491 0 (as stated by **Perelet** and not refuted by LH).
- This Office, with the information at hand for the moment, would fully support this claim should the concerned Agent dispute it.

Conclusion:

1. LH shall without delay issue an ACM covering the disputed ADM.
2. Should LH refuse, then IATA is to retract the amount by an SPCR and the dispute has to be resolved bilaterally outside the BSP system.

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

Decided in Stockholm, on August 19<sup>th</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 August 24<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.

CORRECTION  
RENDERED SEPTEMBER 6, 2017

Based on the new evidence provided by **LH Inventory Protection Department**, not submitted during the course of the review procedure, LH has asked this Office to correct the Decision 40/2017.

LH request is submitted within the 15 days allowed in Reso 820e § 2.10 "... to ask for correction of any error which the party may find relevant to this decision..."

The decision was mainly based on claims from Mr. Petrik that "**Perelet LLC**" was not in control of Amadeus Office ID IEVU22610.

As a basic legal requirement, it was up to LH to prove the substance of its allegations. This was not conclusively done prior to the decision and thus, giving the benefit of the doubt to **Perelet LLC**, it was decided that the ADM issued by LH was not valid.

The new information from LH, containing extensive email exchange between Mr. Petrik and LH is conclusive evidence of Mr. Petrik's **knowledge and involvement** when the alleged "inventory manipulation" took place.

At no point has Mr. Petrik contested the validity of the alleged "manipulation and abuse of ticketing rules" done with the use of OID IEVU22610.

Mr. Petrik's claim is only that "**Perelet LLC** had no legal attachments to that OID."

The only "justification" to breach the ticketing rules in Mr. Petrik's own words was that "... Ms. Glushchenko Oksana ... told me that her company has **DIRECT** agreement between Avialux (OID IEVU22610) and LH and have a special tour codes fares! She even showed me this fares in her office at Verkhniy Val **BUT** didn't show an agreement! I don't know where did Avialux get this fares but some fares were really on 10% less that fares in my system!..."

Ignorance is not an excuse, nor is doing unfortunate business deals with a third party, in this case the business deal between Mr. Petrik representing **Perelet LLC** and Avialux.

The claim from Mr. Petrik that: "... my company **Perelet LLC** never had any agreement between **Perelet** and **LH!**..." is irrelevant when determining if Mr. Petrik had **knowledge and involvement**.

Mr. Petrik, representing **Perelet LLC**, has confirmed the new evidence presented by LH to be valid and by that LH has conclusively demonstrated the links

between "manipulation and abuse of ticketing rules", leading to the ADM, and Mr. Petrik personally.

Mr. Petrik has always the possibility of recourse towards "Avialux" or personally towards Ms. Glushchenko Oksana for misleading information.

Based on the above the **Decision rendered on August 19<sup>th</sup>, 2017 is hereby corrected as follows:**

- The reasons for the ADMs issued by LH have legal grounds and stand.

Kind Regards,

Andreas Körösi  
Travel Agency Commissioner  
(for Europe, Middle East & Africa)