

DECISION 2011 – 12 - 20
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road,
Remuera, Auckland 1050,
New Zealand

Applicant:

Dar Al Salam Travels and Tourism,
Ground Floor, Office #2
Trade Tower,
Abdullah Haroon Rd,
Karachi,
Pakistan.
Represented by Mr Muhammad Amir Shaikh, Chief Executive.

Respondent:

Agency Administrator, Geneva,
International Air Transport Association, IATA,
111 Somerset Road, #14-05,
TripleOne Somerset,
Singapore.
Represented by Mr Nadarajah Prabaharan, Manager, Agency Management Asia Pacific.

The Case and Decision:

In brief, as part of the annual financial review process the Agent was requested by the IATA Regional office in SIN to supply Financial Statements by 30 November 2011 failure to meet the deadline would invoke the sanction of 2 Instances of Irregularity (IRR).

The Agent uploaded their Financial Statements on 12 November 2011 but recorded an incorrect IATA code of 27-3 0895. This mistake was discovered when the Agent received a 6 December 2011 letter from IATA SIN advising that they had failed to submit the required information by the 30 November 2011 deadline and hence a penalty of 2 IRRs had been issued against it. An extended deadline of 30 days from 6 December 2011 was granted with failure to meet the deadline being cause for termination of the Agent's accreditation as provided for in paragraph 2.2 of Resolution 818g.

On 9 December 2011 the Agent advised IATA SIN of their error and uploaded the documentation under the correct code of 27-3 1335. Having complied with IATA's instruction the Agent sought removal of the 2 IRRs on the grounds of inadvertent error. This request was declined and there was an exchange between the Agent and IATA with the Agent pointing to a case of erroneous submission last year where a similar request

was condoned by IATA. IATA concluded by advising that that option was removed for the 2011 financial statement submission process.

The Agent in contacting the writer within the 30 calendar days time frame provided for in Resolution 820e, acknowledged that in order to maintain discipline some action was required but felt that the 2 IRRs were too severe under the circumstances and should either be withdrawn or reduced to 1 IRR.

Having reviewed the factors involved in this case I find that IATA was correct in issuing the 2 IRRs when the financial statements for IATA code 27-3 1335 had not been sighted after the deadline date of 30 November 2011. It is the Agent's responsibility to ensure that the correct code is uploaded when submitting the subject information.

The Agent had complied with the preparation and submission of its Financial Statements prior to the 30 November 2011 deadline unfortunately using an incorrect IATA code. I accept the fact that the Agent made a genuine mistake and am certain that a lesson has been learnt by it as a result of the action taken by IATA.

Under the circumstances it is hereby decided as follows:-

1. The 2 IRRs are to be withdrawn.
2. The Agent is to pay any administration charge to cover the additional workload caused by their error.
3. A repeat of this type of error will be dismissed should a review be sought.

Decided in Auckland this 20th day of December 2011:

Jorgen Foged
Travel Agency Commissioner Area 3

Note:

Either party may, if considered aggrieved by this decision, seek review by arbitration in accordance with Resolution 820e, Section 4 subparagraphs 4.1 and 4.3.