

**DECISION 2013 – 10 – 14**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

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

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**Applicant:**

Than Than Travelling Agency Co Ltd,  
#1407, 14<sup>th</sup> Floor, Sakura Tower,  
339 Bogyokeungsan Road,  
Kyauktada Township  
Yangon, Myanmar.  
Represented by Mr. Richard Zaw, Director.

**Respondent:**

Agency Administrator, Geneva  
International Air Transport Association, IATA,  
Represented by Mrs. Hwa Ooi Tham, Manager, Agency Management Asia/Pacific  
IATA, Singapore.

**The Case and Decision:**

The Agent was terminated as a consequence of failing to submit its financial statements for the annual financial review. On 3 June 2013 a Notice of Irregularity was issued giving the Agent a further 30 days to comply. On 10 July 2013 a Notice of Termination was issued citing 31 August 2013 as the final deadline for compliance failing which termination would occur. The Agent took no action and removal from the Agency List took place on 2 September 2013. The Agent had been sent e-mail reminders of the need to submit its documentation at intervals during the aforementioned period.

In its request for review the Agent stated that it had changed its e-mail address from "thanthantravel@gmailcom" to "[thanthantvl@g.mail.com](mailto:thanthantvl@g.mail.com)" in December 2012 and had failed to advise IATA of that change. As a consequence IATA's messages regarding the submission of financial statements had not been received. The Agent claimed not to have received IATA's Notice of Irregularity and Notice of Termination.

On querying the process related to the dispatch and receipt of its "Registered" letters IATA SIN advised that the Post Office can only provide proof of delivery to the destination Post Office and not proof of receipt to the addressee.

Based on this information and the thought that the Agent would not knowingly jeopardise its accreditation by not complying with the requirement to submit its financial statements I have decided to give the Agent the benefit of the doubt. In so doing I would emphasise

to the Agent the need to keep IATA informed of all changes to its various forms of address.

The request for review has been made within the time frame detailed in sub paragraph 1.2.2.1 of Resolution 820e and both Parties have agreed to allow the writer to reach a decision based on the written information submitted as provided for in the same Resolution.

Consequently it is hereby decided as follows:-

1. The Agent is to submit its financial statements in the proscribed manner to IATA and on receipt of same the Agent is to be reinstated without delay.

Decided this 14th day of October 2013 in Auckland.

**Jorgen Foged**  
**Travel Agency Commissioner Area 3**

**Notes:**

1. As per Resolution 820e, Section 4, any Party has the right, if it considers itself aggrieved by this Decision, to seek review by Arbitration in accordance with the provisions of Resolution 824, Section 14.
2. The Parties are advised that effective from 1 June 2012, according to Subparagraph 2.10 of Resolution 820e, any of them may request an interpretation of this Decision, or for a correction of any error in computation, any clerical or typographical error, or any omission in this Decision. Such request must be made within 15 days of receipt of the electronic version of this Decision.