

DECISION 2014-01-08
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Friends International Travels
LG No 23, Opposite F.C. Pump
Deans Trade Centre
Peshawar Cantt
Peshawar, Pakistan.
Represented by Mr. Akhtar Ali Khan, Managing Partner

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 on 18 December 2013 as a consequence of failing to submit its financial security by 29 November 2013.

In its request for review the Agent stated that the Managing Partner had been kidnapped on 15 August 2013 and held for 4 months and was released after his family had paid a substantial ransom. Due to this involuntary absence from his business he was unable to sign the documents associated with providing the default protection insurance required by IATA and the termination action followed.

In its summary of events IATA SIN advised that the Agent was notified of the need to renew its financial security on 26 July 2013 for submission by 30 August 2013. A Notice of Irregularity was issued on 2 September 2013 and the Agent's ticketing authority was suspended. The revised submission date was 2 October 2013. On the day after this deadline the Agent was served with a Notice of Termination and 30 November 2013 was given as the final compliance date. In the absence of any action the Agent was terminated on 18 December 2013.

The Agent submitted its request for review on 20 December 2013 thus meeting the within 30 days time limit detailed in sub paragraph 1.2.2.1 of Resolution 820e and both Parties have agreed to waive their rights to an oral hearing and have allowed the writer to reach a decision based on the written information submitted as provided for in sub paragraph 2.3 of the same Resolution.

The Agent has provided an attested copy of the First Information Report lodged by the Managing Partner's brother on the night of the kidnapping with the Police Station at Gharbi (West).

In considering this matter one could ask why another Partner in the Agency company could not have completed the documentation associated with the financial security however without knowledge of the terms of the particular partnership agreement involved it is reasonable to conclude that the reason for the Agent's inability to comply with IATA's requirement is as described and hence it is hereby decided as follows:-

1. The Agent's accreditation as an IATA Passenger Sales Agent is to be reinstated once the requisite financial security is received by IATA.

Decided this 8th day of January 2014 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.