

DECISION 2014 – 12 - 17A
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Albatross World Travel and Tours Pte Ltd.
57 Circular Road
Singapore
Represented by Shyne Penafiel, Manager-Group Accounts

Respondent:

Agency Administrator, International Air Transport Association, IATA
Geneva, Switzerland
Represented by Mr. Rodney D'Cruz, Manager Agency Management Asia/Pacific,
IATA, Singapore

The Case and Decision

The Agent was due to submit its financial statements to IATA on 17 December 2014. The Agent contacted the writer on 15 December 2014 with the request that it be granted interlocutory relief until 15 January 2015.

The reason given for failing to meet the original date was that the staff member responsible for its accounts had resigned and had intentionally deleted all the files in their accounting system leaving no data as there was no back-up system. This incident was discovered only when the new Accountant commenced work mid-year which has required the re-entry and accounting for numerous transactions. The company's accounts have now been submitted to the Agent's Auditors who have been asked to expedite the completion of the audited financial statements and are doing their best to meet a deadline of 15 January 2015.

IATA has not objected to the granting of interlocutory relief.

As required by sub paragraph 2.3 of Resolution 820e both Parties were placed on notice that in the writer's judgment an oral hearing was not necessary and that a decision would be based on the written information submitted.

In considering this matter it is clear that the Agent has been the victim of the malicious action of a former employee and under the circumstances some relief is considered reasonable and as a consequence it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Thursday 15 January 2015.

Decided this 17th day of December 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 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.