

TRAVEL AGENCY COMMISSIONER - AREA 1

VERÓNICA PACHECO-SANFUENTES

110 – 3083 West 4th Avenue
Vancouver, British Columbia V6K 1R5
CANADA

DECISION – February 14, 2019

In the matter of:

Travel with Us

IATA Code 98-9 0012 6

Grand Cayman, Cayman Islands

Represented by its Managing Director Ms. Desiree Piercy-Tulloch

The Applicant

vs.

International Air Transport Association (“IATA”)

Global Distribution Centre

Torre Europa

Paseo de la Castellana, 95

28046 Madrid, Spain

Represented by the Assistant Accreditation Manager, Mr. Ronald Guzmán

The Respondent

I. THE CASE

The Agent, when seeking relief from this Office, was not questioning the last Notice of Irregularity ("NoI")/ Notice of Default that was served against her in January 2019; nonetheless, she had some very valid questions regarding:

(i) the exact and proper standing of her record, since, best of her understanding and her own records, it seems that the so-called previous "NoIs", which lead, in addition to the January mishap, to her disconnection from the BSP, should NOT have been recorded against her, but rather should have been expunged from her record, as per this Office's prior decisions; and,

(ii) in respect to the amount of bank guarantee ("BG") that has been requested from IATA, as explained in her submissions.

The Agent has no outstanding monies, since she made the final payment of the latest BSP Sales Report prior to contacting this Office.

II. ORAL HEARING

In the opinion of this Commissioner, as per Resolution 820e, s. 2.3, an oral hearing was not deemed necessary. Ample opportunity was given to the Parties to present their submissions and evidence accordingly. They both made good use of this opportunity. Therefore, this decision is based on that written documentation only.

III. CONSIDERATIONS & DECISION

Mr. Guzmán,

I thank you for your submissions and for providing further information about this case. Please note that I appreciate very much your prompt and complete submissions.

If my understanding of the situation is correct, I imagine, from the content of your email, that IATA has indeed reinstated this Agent into the BSP system, but that the Agent still have not perceived its "active" status because, as IATA usually states: *the system might take up to 48h to reflect that situation*.

If I am mistaken in my reading of your submissions, I insist: I order IATA to IMMEDIATELY REINSTATE this Agent into the BSP system.

As you might have read in the Agent's submissions, even though you indicate that the information about pending amounts was available to the Agent on BSPlink at all material times, it is obvious that the Agent was not aware of that.

I would take a moment here to indicate to IATA, since this is not the first time, on the contrary, it is almost the absolute norm, Agents -worldwide phenomenon, by the way!- do NOT know that they still can have "some" type of access to the BSPlink, even when they have been suspended from the BSP, so I deem this explanation for the Agent's belated payment of those 77.10\$ as being reasonable and therefore excusable, pursuant Resolution 818g, "A", s. 1.7(a), read in conjunction with Resolution 818g, s. 13.8.

Consequently, the irregularity served on her due to that late payment should be removed from her records, since it is deemed to be null and void.

Lastly, I strongly encourage you Mr. Guzmán to elevate the Agent's submissions, regarding the "customer service" topic, in addition to the need to have an actual time difference mindful approach to Area 1 countries, to the pertinent department within IATA, since it is obvious that some important work needs to be done by IATA in that front. Again, as in my previous comment, this is NOT an isolated claim, on the contrary, it is a constant complaint from Agents in Area 1: it is extremely hard for them to have access to a "human being", supposedly there to provide a "customer service" to them whenever required, or at least during the Agents' usual business hours.

Ms. Piecy-Tulloch,

I hope having addressed all the issues that you have raised in your submissions. However, if you have a different opinion, I will invite the Parties to schedule a conference call, pursuant Resolution 820e, s. 2.6, in order to clarify orally any pending matter, since by all means, you have the right to be treated with respect and the adequate professionalism that the situation requires.

In order to gain some time in this scheduling process, should this be an option that you would be agreeable to, considering the different time zone that each one of us is in, I would present both of you my availability so we would be able to coordinate a date and time suitable for all:

- Any Tuesday or Thursday of February 2019, from 08:00am until 07:30pm (Pacific Northwest time),
- or,
- Alternatively, this coming Monday Feb. 18, 2019 from 10am until 06:00pm (Pacific Northwest time).

If none of these days and times would suit you, please propose a date and time that would be convenient for both of you and I would do my best to accommodate.

This decision has immediate effect.

Decided in Vancouver, the 14th of February 2019.

A handwritten signature in blue ink, reading "Pacheco Sanfuentes".

In accordance with Resolution 820e § 2.10, any Party may ask for an interpretation or correction of any error, which the Party may find relevant to this decision. The time frame for these types of requests will be 15 days after receipt of the electronic version of this document (meaning no later than **March 1st, 2019**).

Both Parties are also hereby 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.

If after having asked for and obtained clarification or correction of this decision, any Party still considers aggrieved by it, as per Resolution 820e § 4, the Party has the right

to seek review by Arbitration in accordance with the provisions of Resolution 824 § 14, once the above-mentioned time frame would have elapsed.