

**TRAVEL AGENCY COMMISSIONER - AREA 1**  
*VERÓNICA PACHECO-SANFUENTES*  
110 – 3083 West 4<sup>th</sup> Avenue  
Vancouver, British Columbia V6K 1R5  
CANADA

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**DECISION – March 21<sup>st</sup>, 2019**

**In the matter of:**

***JAMSOL Travel and Tours Ltd.***

IATA Code 85-5 3164 4

Jamaica

Represented by its Managing Director Ms. Pauline Stewart

**The Applicant**

*vs.*

**International Air Transport Association (“IATA”)**

Global Distribution Centre

Torre Europa

Paseo de la Castellana, 95

28046 Madrid, Spain

Represented by the Accreditation Manager, Mr. Francesco Chiavon

**The Respondent**

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**I. THE CASE**

This case started by this Office encouraging the Respondent to do a **proper assessment of this Agent's records**, since for some reason, the Agent keeps being disturbed by IATA's uncalled for notices (in this case demanding the submission of a bank guarantee, as shown by the submitted evidence), when the previous irregularities have been EXPUNGED by this Office, due to having being declared null and void.

In the mean time, during this issue got fully clarified and closed by this Office, this Commissioner order that NO PUNITIVE ACTION shall be undertaken against this Agent derived from this pending issue.

**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

In light of Ms. Stewart's insistence in contesting her payment on "September", I went over my files and did an extensive check of this Agent's situation and the reviews that this Office have opened and decided.

Here are my findings:

The complexity and confusion in this case might be attributed to the fact that there were two different payments and two different incidents that occurred in August-'September' 2018, rather than one (1) as seemingly Mr. Chiavon and this Office were considering.

In fact, below my electronic signature I am sending you, Mr. Chiavon, proof of the payment incident that occurred the FIRST period, meaning 2018 - 08 - 02W, since the one that both of us were referring to was the second one, the one corresponding the period 2018 - 08 - 03W.

The FIRST period incident was duly reviewed and solved by this Office. The outcome of which was the cancellation of the irregularity, since it was considered by this Commissioner as having been clearly demonstrated that the delay that indeed occurred in IATA's receiving end could not be attributable to the Agent's fault nor lack of diligence, but rather to internal Bank procedures or delays beyond the Agent's control.

Based on those facts, I repeat, the first irregularity ("NoI"), meaning the one issued due to that delay in respect to the billing period 2018-08-02W was declared void and null and, hence, had to be expunged from the Agent's records.

Consequently, the Agent during this 12 months period, should have recorded on her file only one (1) NoI (the one corresponding the second period, as described above).

Therefore, it is applicable to her the Minor Error Rule which would mean that the referred second NoI would remain on her records, but she will be exempt from providing the bank guarantee ("BG") that IATA has originally requested from her.

- The Agent shall be immediately reinstated into the BSP system;
- No BG shall be demanded from this Agent.

This is my decision and has immediate effect.

Decided in Vancouver, the 21<sup>st</sup> day of March 2019.

Oracheco 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 **April 5<sup>th</sup>, 2018**).

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.