

DECISION 2019 - 10 - 03
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Al Amin Hajj Kafela Tours and Travels (the “Agent”)
IATA Numeric Code 42-3 0056
Chittagong, Bangladesh.

Respondent:

Agency Administrator, International Air Transport Association (“IATA”)
Singapore.

The Case and Decision:

The Agent's accreditation was terminated as a result of failing to settle two BSP billings, one of BDT 2882 (USD 33.44) and the other of BDT 74,937 (USD 869.62). In its request for a review the Agent explained that its Owner was absent in Saudi Arabia performing Holy Hajj. In addition the staff member responsible for settlements was seriously ill and not in the office. On his return the Owner had taken immediate steps to pay the amounts due and apologised for the "unintentional" late payment.

IATA's summary of events recorded that there were now no outstandings and a financial security valid until 31 December 2019 was in place. The Agent had been accredited in 2016.

In considering this matter it is unfortunate that a process to alert the Owner to the Agency's fiscal responsibilities when absent was not in place. The illness of a key staff member compounded the situation and a routine to cope with such a circumstance should be devised for the future.

The amounts due were modest and would not have affected the viability of the creditor Airlines involved however it is expected that a lesson has been learned from this incident as a future occurrence of this nature will not see the reinstatement of the Agent's accreditation.

The parties have complied with the terms of Resolution 820e and were placed on notice that in the writer's judgement an oral hearing was not necessary and that this decision would be based on the written information submitted.

Therefore, based on the foregoing, it is hereby decided as follows:

1. the Agent's accreditation is to be reinstated subject to it paying any fees and charges associated therewith.

Decided this 3rd day of October 2019 in Auckland.

The following sub paragraph of Resolution 820e is brought to the attention of the Parties:

"2.10 - within 15 days after the receipt of the decision, a party, with notice to the other parties, may request that the Commissioner gives an interpretation of the decision or correct in the decision any error in computation, any clerical or typographical error, or any error or omission of a similar nature. If the Commissioner considers that the request is justified, he shall make the interpretation or correction within 15 days of receipt of the request. The interpretation or correction shall form part of the decision."

In this particular case the 15-day time frame expires on 18th October 2019.

If after having pursued this process a Party still considers itself aggrieved by this Decision the Party has the right to seek review by arbitration as detailed in Resolution 824, Section 14.

Finally, I seek your authority for this Decision to be posted on the private pages of the Travel Agency Commissioner website which can only be accessed by the 3 TACs and the 12 members of the Passenger Agency Programme Global Joint Council. In the absence of advice to the contrary by 19th October 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3