

BEFORE THE DEPARTMENT OF TRANSPORTATION
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS
WASHINGTON, D.C.

-----)
)
Naomi M. Horovitz)
)
v.) Docket DOT-OST-2020-____
)
Air Canada)
)
-----)

COMPLAINT OF NAOMI M. HOROVITZ

Comments with respect to this document should be addressed to:

Naomi Mandel Horovitz
(Redacted)

E-mail: naomihorovitz@gmail.com

Dated: 06/04/2020

BEFORE THE DEPARTMENT OF TRANSPORTATION
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS
WASHINGTON, D.C.

-----)
)
Naomi M. Horovitz)
)
)
)
v.) Docket DOT-OST-2020-____
)
Air Canada)
)
-----)

COMPLAINT OF NAOMI HOROVITZ

1. This complaint arises out of Air Canada’s non-compliance with the Department’s rules regarding consumers’ right to be refunded for flights cancelled by airlines, even for reasons outside the carriers’ control, as described in the Department’s “Enforcement Notice Regarding Refunds by Carriers Given the Unprecedented Impact of the COVID-19 Public Health Emergency on Air Travel”¹, hereinafter referred to as the “Enforcement Notice”.

¹ Enforcement Notice Regarding Refunds by Carriers Given the Unprecedented Impact of the COVID-19 Public Health Emergency on Air Travel (April 3, 2020) at https://www.transportation.gov/airconsumer/enforcement_notice_refunds_apr_3_2020.
See also 14 CFR § 259.5(b)(5), and Enhancing Airline Passenger Protections, 76 Fed. Reg. 23110-01, at 23129 (Apr. 25, 2011).

2. This complaint also arises out of Air Canada’s retroactive application of changes to its refund policies, which constitutes an unfair or deceptive practice within the meaning of 49 U.S.C. § 41712².

I. FACTS

A. Flight cancelled by Air Canada

3. On March 5, 2020, I purchased three Air Canada tickets. The first was a round-trip flight from Chicago (ORD) to Vancouver (YVR) for myself (Naomi Horovitz), departing on May 23 and returning on May 31 (Booking #XXXXXX; \$629.10; Attachment 1). The second was a one-way flight from Phoenix (PHX) to Vancouver (YVR) for my husband (Cezar Horovitz) and daughter (Miranda Horovitz), departing on May 23 (Booking #XXXXXX; \$1,189; Attachment 2). The third was a one-way flight from Vancouver (YVR) to Chicago (ORD) for my husband (Cezar Horovitz) and daughter (Miranda Horovitz), departing on May 31 (Booking #XXXXXX, \$698; Attachment 3).
4. On April 2, I learned that our flights to Vancouver (XXXXXX and XXXXXX) were cancelled by Air Canada (Attachments 4 & 5). The flights to Chicago were not cancelled, but instead they were significantly changed to a different date and via a different city (Attachments 6 & 7). We purchased direct flights, but Air Canada added overnight layovers in Toronto, ultimately arriving on June 1 instead of May 31. These constitute significant schedule changes, and

² Under 49 USC § 41712, the Department is authorized to investigate and decide whether a U.S. air carrier, foreign air carrier, or ticket agent engaged in an unfair or deceptive practice in air transportation or the sale of air transportation. The Department is also authorized to issue orders to stop an unfair or deceptive practice after notice and opportunity for a hearing.

thus should also qualify for a refund. In addition, if the first leg of a trip is cancelled, the second leg is supposed to be cancelled too.

5. On April 2, I contacted Air Canada to request a refund for the cancelled flights, but they did not answer their phones at all. I have tried to request a refund via their website, but my request was denied, and I was only offered a flight voucher/credit or a refund of approximately less than 10% of what I paid (Attachment 8). At no time have I accepted any of their offers for vouchers. I have no plans to travel to Canada in the next 24 months, which is why I am requesting a refund. I next initiated a credit card dispute via Chase Bank, but that was also denied (other than a \$522.20 refund), because Air Canada argued that these were non-refundable tickets. When I complained to a supervisor at Chase, they gave me an additional \$100 token refund and called the dispute “resolved.” So, I have received \$622.20 in refunds out of the total charges of \$2,516.78. That means I am still due \$1,894.58 in refunds.

B. Air Canada’s refund policy for cancelled flights

6. Air Canada’s current policy is that customers who purchased nonrefundable flight tickets are not entitled to receive full refunds for flights cancelled or changed by the carrier due to reasons outside its control, including cancellations attributed to the COVID-19 pandemic. Air Canada only offers flight vouchers or credits in such situations and claims in its United States English website that “in accordance with government regulations”, that such bookings are ineligible for a refund (Attachments 12 and 13).

C. Air Canada's obligations

7. Air Canada is an airline that is authorized to operate flights from and to the United States and is therefore subject to the Department's jurisdiction and bound by the rules enunciated in the Enforcement Notice, which apply to U.S. and foreign airlines operating flights from, to and within the United States.
8. In its Enforcement Notice, and based on existing federal regulation, the Department reminds airlines about their obligation to refund consumers for flights cancelled by the carriers themselves, even if the reason of the flight disruptions are outside the carrier's control, and regardless of the nonrefundability/penalty provisions of the ticket purchased by the consumers.
9. In page 2 of its Enforcement Notice, the Department lists the actions non-complying airlines must take to avoid enforcement action, as follows:
 - a. the carrier contacts, in a timely manner, the passengers provided vouchers for flights that the carrier cancelled or significantly delayed to notify those passengers that they have the option of a refund;
 - b. the carrier updates its refund policies and contract of carriage provisions to make clear that it provides refunds to passengers if the carrier cancels a flight or makes a significant schedule change;
 - c. the carrier reviews with its personnel, including reservationists, ticket counter agents, refund personnel, and other customer service professionals, the circumstances under which refunds should be made.

10. On May 12, 2020, the department issued a notice³ in the form of answers to frequently asked questions regarding airline ticket refunds. In the answer to question 4 of the notice, the Department reiterates that airlines may not retroactively apply changes to their refund policies and must honor the policies in place at the time of ticket purchase.

D. Air Canada’s non-compliance and violations

11. Air Canada’s policy of not issuing prompt refunds for flights cancelled for reasons outside its control, and regardless of the nonrefundability and cancellation penalty provisions of the purchased, is in direct violation of its obligations and of the consumers right to be refunded as per the rules detailed in the Department’s Enforcement Notice.

12. Before March 19, 2020 (Attachment 14), Air Canada’s policies indicated that consumers can receive refunds for schedule changes and cancellations attributed to the COVID-19 pandemic. However, and since that date, Air Canada changed its refund policies for cancellations and schedule changes in a way that negatively affects consumers by no longer permitting refunds (Attachments 15A, 15B and 16). The new policy is applied by Air Canada based on the date of the cancellation or schedule change, and regardless of the policy in place at the time the passenger purchased the ticket. This represents a retroactive change in policy and represents an unfair or deceptive practice within the meaning of 49 U.S.C. § 41712.

³ U.S. Department of Transportation, Office of Aviation Enforcement and Proceedings, Frequently Asked Questions Regarding Airline Ticket Refunds Given the Unprecedented Impact of the COVID-19 Public Health Emergency on Air Travel (See answer to question 4: “May airlines and ticket agents retroactively apply new refund policies?”) https://www.transportation.gov/airconsumer/FAQ_refunds_may_12_2020.

13. Many airlines are complying with their obligations to refund passengers, especially after the issuance of the Enforcement Notice on April 3rd. These airlines will be in an unfairly disadvantageous financial situation if other airlines, such as Air Canada are allowed to continue practices that violate the same obligations without incurring any penalty.

II. REQUESTED RESOLUTION

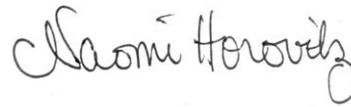
14. I ask that the Department of Transportation:

- (1) Exercise its authority under 49 USC 41712 to open an investigation of Air Canada for its non-compliance with the Department's Enforcement Notice and the regulations on which the notice is based;
- (2) Order Air Canada to comply with its obligation to promptly refunds for flights cancelled or significantly delayed, regardless of the reason of such flight disturbances.
- (3) Order Air Canada to:
 - a. contact, in a timely manner, the passengers provided vouchers for flights that the carrier cancelled or significantly delayed to notify those passengers that they have the option of a refund;
 - b. update its refund policies, contract of carriage and tariff provisions to make clear that it provides full refunds to passengers if the carrier cancels a flight or makes a significant schedule change, regardless of the reason and the nonrefundability and cancellation penalty provisions of the tickets purchased by the passengers;

- c. review with its personnel, including reservationists, ticket counter agents, refund personnel, and other customer service professionals, the circumstances under which refunds should be made.

(4) Impose appropriate civil penalties on Air Canada.

Respectfully submitted,

A handwritten signature in black ink that reads "Naomi Horovitz". The signature is written in a cursive style and is positioned to the left of a vertical line.

Naomi M. Horovitz

Attachment 1



AIR CANADA

Booking Confirmation



Booking Reference: [REDACTED] Date of issue: 06 Mar, 2020

This is your official Itinerary/Receipt. You must bring it with you to the airport for check-in and we recommend you keep a copy for your records. Please also take the time to review it as it contains the **general conditions of carriage and applicable tariffs** that apply to the tickets, bookings and air services detailed below, as well as baggage, dangerous goods and other important information related to your trip.

Data Protection Notice: Your personal data will be processed in accordance with the applicable carrier's privacy policy and, if your booking is made via a reservation system provider ("GDS"), with its privacy policy. These are available at the [IATA Travel Centre website](#) or from the carrier or GDS directly. You should read this documentation, which applies to your booking and specifies, for example, how your personal data is collected, stored, used, disclosed and transferred. We also invite you to view [Air Canada's Privacy Policy](#) directly.

 Depart

Economy - Standard			
<p><small>Saturday</small> 23 May, 2020</p>	<p>07:00 Chicago O'Hare Int.(ORD), Terminal 2</p>		<p>09:25 Vancouver Vancouver Int. (YVR), Terminal M</p> <p style="font-size: small;">AC8039</p> <p>4hr25 Economy L Operated by: Air Canada Express - Jazz CRJ900 3x Wi-Fi Food for purchase on board</p>

 Return

Economy - Standard			
<p><small>Sunday</small> 31 May, 2020</p>	<p>15:40 Vancouver Vancouver Int. (YVR), Terminal M</p>		<p>21:42 Chicago O'Hare Int. (ORD), Terminal 2</p> <p style="font-size: small;">AC8040</p> <p>4hr02 Economy L Operated by: Air Canada Express - Jazz CRJ900 3x Wi-Fi Food for purchase on board</p>

Passengers

--	--

 Purchase summary

	1 adult
Air transportation charges	
Base fare (including surcharges and U.S. Transportation Tax) - Depart - Economy - Standard	294.69
Base fare (including surcharges and U.S. Transportation Tax) - Return - Economy - Standard	269.69
Taxes, fees and charges	
Animal and Plant Health Inspection Service (APHIS) User Fee - United States	3.96
Immigration User Fee - United States	7.00
Customs User Fee - United States	5.89
September 11th Security Fee - United States	5.60
Flight Segment Tax - United States	8.60
Air Travellers Security Charge - Canada	9.52
Goods and Services Tax - Canada - 100092287 RT0001	0.94
Airport Improvement Fee - Canada	18.72
Passenger Facility Charge - United States	4.50
Total before options (per passenger)	\$628¹⁰
GRAND TOTAL (US dollars)	\$629¹⁰

Attachment 2



AIR CANADA

YOUR BOOKING IS CONFIRMED



Booking reference: [REDACTED]

Passengers

👤 Cezar Horovitz
[REDACTED]

Seats
AC8229 18D

👤 Miranda Horovitz
[REDACTED]

Seats
AC8229 18F

Departing flight

Saturday, May 23rd, 2020 Phoenix, US (PHX) - Vancouver, CA (YVR)

14:15

Phoenix

Non-stop - 3hr09m

17:24

Vancouver

Economy - Standard

Sit back and relax in our comfortable Economy Class cabin; earn Aeroplan and Altitude Qualifying Miles

Purchase summary



Full details can be found in your attached Itinerary/Receipt.

		2 Adults
Air transportation charges		
Base fare (including U.S. Transportation Tax)		562.22
Taxes, fees and charges		
September 11th Security Fee - United States		5.60
Flight Segment Tax - United States		4.30
Passenger Facility Charge - United States		4.50
Total before options (per passenger)		576.62
Number of passengers		x2
Miranda Horovitz AC8229: 18F - Standard seat (Window)		18.00
Cezar Horovitz AC8229: 18D - Standard seat (Aisle)		18.00
GRAND TOTAL - US dollars		1,189.00

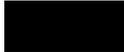
Attachment 3



Booking reference : VBFZJL

Passengers

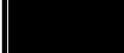
Cezar Horovitz



Seats

AC8040 -

Miranda Horovitz



Seats

AC8040 -

Departing flight

Sunday, May 31st, 2020 Vancouver, CA (YVR) - Chicago, US (ORD)

15:40 Non-stop - 4H12M 21:42 Economy - Standard
 Vancouver Chicago Sit back and relax in our comfortable Economy Class cabin, with Ample legroom and Altitude Qualifying Miles

Purchase summary



Full details can be found in your attached Itinerary/Receipt.

Tax information

Goods and Services Tax - Canada - 100092287 RT0001: \$28.72

2 Adults

Air transportation charges

Base fare 250.00

Taxes, fees and charges

Air Travellers Security Charge - Canada 12.10

Goods and Services Tax - Canada - 100092287 RT0001 14.36

Airport Improvement Fee - Canada 25.00

Animal and Plant Health Inspection Service (APHIS) User Fee - United States 5.29

Immigration User Fee - United States 9.35

Customs User Fee - United States 7.87

Transportation International/Domestic Tax - United States 25.25

Total before options (per passenger) 349.22

Number of passengers x2

GRAND TOTAL - Canadian dollars 698.44

Attachment 4

Naomi Mandel

From: Air Canada Notification <flightnotification@aircanada.ca>
Sent: Thursday, April 2, 2020 10:53 PM
To: Naomi Mandel
Subject: Air Canada - FLIGHT CANCELLATION - [REDACTED] - AC8039/May 23, 2020

We regret to inform you that AC8039 from Chicago, O Hare International (ORD) to Vancouver, International (YVR) on May 23, 2020 has been cancelled due to the impacts of COVID-19, government travel advisories and/or health and safety concerns.

The full value of what you paid will become a future travel credit valid for 24 months. To store this value, if you booked with:

1. Air Canada: Visit https://urldefense.proofpoint.com/v2/url?u=https-3A__www.aircanada.com_mybookings&d=DwIFAw&c=l45AxH-kUV29SRQusp9vYR0n1GycN4_2JlInuKy6zbqQ&r=KhpskQJHxZCyWNkRgrkSxk6d56FMZjhQaaHp5qOHOOok&m=tWIBMLhX_cQJhIMPCROBZfSrCLNyZf7oqoCZr44q0-E&s=ekLVDw3kkcG0-WYZ0YWMnD5HZtdV18iDr4GLkMVpFA&e= and enter your booking details. Select "Cancel Booking" and when you select confirm, any change fees will be waived.
2. A travel agency: They will process this for you on your behalf.
3. Air Canada Vacations: Your credit will be stored automatically.
4. Aeroplan: Visit https://urldefense.proofpoint.com/v2/url?u=https-3A__www.aeroplan.com&d=DwIFAw&c=l45AxH-kUV29SRQusp9vYR0n1GycN4_2JlInuKy6zbqQ&r=KhpskQJHxZCyWNkRgrkSxk6d56FMZjhQaaHp5qOHOOok&m=tWIBMLhX_cQJhIMPCROBZfSrCLNyZf7oqoCZr44q0-E&s=WRX3qx4X_vZaB0ft17XamXyGtCpVLHCEQGbc7XXaZ2M&e= and select "Manage Your Bookings" to return the Aeroplan Miles into your account.

When you're ready to rebook within 24 months, if you booked with:

- Air Canada: Please call us and make sure to provide your original ticket number starting with "014".
- A travel agency: Please contact them directly.
- Air Canada Vacations: Please contact them directly.
- Aeroplan: You can rebook anytime at https://urldefense.proofpoint.com/v2/url?u=https-3A__www.aeroplan.com&d=DwIFAw&c=l45AxH-kUV29SRQusp9vYR0n1GycN4_2JlInuKy6zbqQ&r=KhpskQJHxZCyWNkRgrkSxk6d56FMZjhQaaHp5qOHOOok&m=tWIBMLhX_cQJhIMPCROBZfSrCLNyZf7oqoCZr44q0-E&s=WRX3qx4X_vZaB0ft17XamXyGtCpVLHCEQGbc7XXaZ2M&e=.

Booking Reference: [REDACTED]
Horovitz Naomi M

This is an automated message - Please do not reply to this email.

Attachment 5

Naomi Mandel

From: Cezar Horovitz [REDACTED]
Sent: Thursday, May 21, 2020 1:49 PM
To: Naomi Mandel
Subject: FW: Air Canada - FLIGHT CANCELLATION - [REDACTED] AC8229/May 23, 2020

-----Original Message-----

From: Air Canada Notification [mailto:flightnotification@aircanada.ca]
Sent: Thursday, April 2, 2020 8:03 PM
To: cezarhorovitz@cox.net
Subject: Air Canada - FLIGHT CANCELLATION - [REDACTED] AC8229/May 23, 2020

We regret to inform you that AC8229 from Phoenix, Sky Harbor Intl (PHX) to Vancouver, International (YVR) on May 23, 2020 has been cancelled due to the impacts of COVID-19, government travel advisories and/or health and safety concerns.

The full value of what you paid will become a future travel credit valid for 24 months. To store this value, if you booked with:

1. Air Canada: Visit https://urldefense.proofpoint.com/v2/url?u=https-3A__www.aircanada.com_mybookings&d=DwIFAw&c=l45AxH-kUV29SRQusp9vYR0n1GycN4_2jInuKy6zbqQ&r=KhpskQlHxZCyWNkRgrkSxk6d56FMZjhQaaHp5qOH00k&m=TKvwg-BgaaV3qhQlqAAqiD-cdUuoRi0yOBmY6ZEVHyo&s=E0R46dDxY_1QfNL7QibNjz4i1jpMI--mt-voZ5plDaU&e= and enter your booking details. Select "Cancel Booking" and when you select confirm, any change fees will be waived.
2. A travel agency: They will process this for you on your behalf.
3. Air Canada Vacations: Your credit will be stored automatically.
4. Aeroplan: Visit https://urldefense.proofpoint.com/v2/url?u=https-3A__www.aeroplan.com&d=DwIFAw&c=l45AxH-kUV29SRQusp9vYR0n1GycN4_2jInuKy6zbqQ&r=KhpskQlHxZCyWNkRgrkSxk6d56FMZjhQaaHp5qOH00k&m=TKvwg-BgaaV3qhQlqAAqiD-cdUuoRi0yOBmY6ZEVHyo&s=PtFt6RXWb1S08s7_MeL-Gv6Psqx57NdqNxEpV2JTUcg&e= and select "Manage Your Bookings" to return the Aeroplan Miles into your account.

When you're ready to rebook within 24 months, if you booked with:

- Air Canada: Please call us and make sure to provide your original ticket number starting with "014".
- A travel agency: Please contact them directly.
- Air Canada Vacations: Please contact them directly.
- Aeroplan: You can rebook anytime at https://urldefense.proofpoint.com/v2/url?u=https-3A__www.aeroplan.com&d=DwIFAw&c=l45AxH-kUV29SRQusp9vYR0n1GycN4_2jInuKy6zbqQ&r=KhpskQlHxZCyWNkRgrkSxk6d56FMZjhQaaHp5qOH00k&m=TKvwg-BgaaV3qhQlqAAqiD-cdUuoRi0yOBmY6ZEVHyo&s=PtFt6RXWb1S08s7_MeL-Gv6Psqx57NdqNxEpV2JTUcg&e= .

Booking Reference: VAOZMP
Horovitz Cezar, Horovitz Miranda

This is an automated message - Please do not reply to this email.

Attachment 6

Air Canada - REVISED ITINERARY - [REDACTED] Jun 01, 2020



Air Canada Notification <flightnotification@aircanada.ca>
To Naomi Mandel



5/21/2020

We removed extra line breaks from this message.

One or more flights in your itinerary cannot be operated as planned. Please find your revised itinerary. We apologize for any inconvenience.

AC735

Departing Toronto, Lester B. Pearson Intl (YYZ) on June 01, 2020 @ 08:30*

-- Departure Terminal 1

Arriving in Chicago, O Hare International (ORD) on June 01, 2020 @ 09:20*

-- Arrival Terminal 2

Reason: Government travel advisory

If the revised itinerary does not suit your travel plans, you can also look for alternative flight options using the link provided below, or cancel your itinerary. No change fees will apply**

https://urldefense.proofpoint.com/v2/url?u=https-3A_book.aircanada.com_bkgd-3DVEAM6P-26n-3DHorovitz&d=DwIFAw&c=l45AxH-kUV29SRQusp9vYR0n1GycN4_2jlnuKy6zbqQ&r=KhpskQIHxZCyWNkRgrkSxk6d56FMZjhQaaHp5qOHOO&m=kQjZEPgK0VLNkwa5QF7JJ2Uv9qdLpQLSkz7_9Ygt-cM&s=IY4KTGCBU9QBkP9kVn_qs3Pc4jnlxzhO6_b2AYh245c&e=

Booking Reference: [REDACTED]
Horovitz Naomi M

Attachment 7

FW: Air Canada - REVISED ITINERARY - [REDACTED] Jun 01, 2020



Cezar Horovitz [REDACTED]
To Naomi Mandel [REDACTED]



5/21/2020

 You replied to this message on 5/21/2020 1:49 PM.
We removed extra line breaks from this message.

I just got this

-----Original Message-----

From: Air Canada Notification [<mailto:flightnotification@aircanada.ca>]

Sent: Thursday, May 21, 2020 10:37 AM

To: cezarhorovitz@cox.net

Subject: Air Canada - REVISED ITINERARY - [REDACTED] Jun 01, 2020

One or more flights in your itinerary cannot be operated as planned. Please find your revised itinerary. We apologize for any inconvenience.

AC735

Departing Toronto, Lester B. Pearson Intl (YYZ) on June 01, 2020 @ 08:30*

-- Departure Terminal 1

Arriving in Chicago, O Hare International (ORD) on June 01, 2020 @ 09:20*

-- Arrival Terminal 2

Reason: Government travel advisory

Attachment 8

When I learned that my flight was cancelled, my only options on the website were to accept a future flight credit, or to click “cancel” and lose 90% of my payment (shown below). I did not accept either of these options.

The screenshot shows the Air Canada website interface for a cancelled booking. The page title is "Cancel my booking". It features a navigation bar with the Air Canada logo, a search icon, language selection (English), "Customer Support", and a "Sign in" link. The main content area is divided into two columns: "SUMMARY" and "NON-REFUNDABLE FEES".

SUMMARY		NON-REFUNDABLE FEES	
Air transportation charges (including U.S. Transportation Tax) - Expand	564.37	Air transportation charges (including U.S. Transportation Tax) - Expand	-564.37
Taxes, fees and charges - Expand	64.73	Taxes, fees and charges - Expand	-13.10
Total amount paid	629.10	Total non-refundable fees	-577.47
		Total amount paid	629.10
		Total non-refundable fees	-577.47
		BALANCE (REFUND) -US dollars	\$ 51.63

Attachment 9

When I disputed the Air Canada transactions on my credit card, I received \$261.10 + 261.10 = \$522.20 as a token refund from Air Canada. Then they re-disputed my dispute (next page).



Cardmember Services
P.O. Box 15299
Wilmington, DE 19850-5299

Questions?

 Chase.com
 1-800-849-3574
 1-888-643-9624
We accept operator relay calls



May 13, 2020

Update: Your account has been credited

Your account ending in 

Dear NAOMI M HOROVITZ:

We're pleased to tell you that we've resolved your dispute.

Transaction Post Date	Merchant Name	Transaction Amount
03/08/2020	AIR CAN* 0142129065936	\$261.10
03/08/2020	AIR CAN* 0142129065935	\$261.10

Here's what you need to know

- We credited your account for the full disputed dollar amount.

Attachment 10

Chase Bank reinstated most of the charges and closed the case, based on Air Canada's argument that the flights were not cancelled (false) and that they were non-refundable tickets (not relevant).



May 21, 2020

Update: We consider the disputed charge(s) valid

Your account ending in [REDACTED]

Dear NAOMI M HOROVITZ:

We want to share the details and resolution of your billing dispute(s). You disputed the charge(s) because you canceled the charge and expected a credit on your account.

Transaction Post Date	Merchant Name	Transaction Amount
03/08/2020	AIR CANADA 0142129043499	\$629.10
03/09/2020	AIR CANADA 0142129048498	\$576.62
03/09/2020	AIR CANADA 0142129048497	\$576.62

Here's a summary of our investigation

- We contacted the merchant to discuss the disputed transaction(s).
- We reviewed the information available and found that the merchant provided the cancellation policy when you made the purchase, and they don't have a record of cancellation meeting the policy guidelines.
- We can't confirm that you're due a credit because the merchant has no record of you canceling the request within policy guidelines.

Here's the resolution

- We consider the charge valid based on our research and the information available to us.
- We removed the temporary credit(s) issued to your account at the time you disputed the charge(s).
- The disputed amount(s) will be included in the balance on one of your next two billing statements. You can also see this activity online at Chase.com.
- For your records, we've enclosed copies of the information obtained during our research.

If you have questions, please call us at 1-800-849-3574. We're available Monday through Friday from 7 a.m. to 10 p.m., and Saturday and Sunday from 9 a.m. to 8 p.m. Eastern Time.

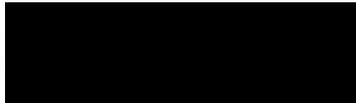
Sincerely,

Attachment 11

When I complained to a supervisor at Chase, they gave me an additional \$100 token refund and called the dispute “resolved.” So I have received \$622.20 in refunds out of the total charges of \$2,516.78. That means I am still due \$1,894.58 in refunds.

CHASE
Cardmember Services
P.O. Box 15299
Wilmington, DE 19850-5299

Questions?
Chase.com
1-800-849-3574
1-888-643-9624
We accept operator relay calls



June 04, 2020

Update: Your account has been credited

Your account ending in [REDACTED]

Dear NAOMI M HOROVITZ:

We're pleased to tell you that we've resolved your dispute.

Transaction Post Date	Merchant Name	Transaction Amount	Dispute Amount
03/08/2020	AIR CANADA 0142129043499	\$629.10	\$100.00

Here's what you need to know

- We credited your account for the full disputed dollar amount.

If you have questions, please call us at 1-800-849-3574, We're available Monday through Friday from 7 a.m. to 10 p.m., and Saturday and Sunday from 9 a.m. to 8 p.m. Eastern Time..

We appreciate your business.

Attachment 12

Captured on May 24, 2020 from

<https://www.aircanada.com/us/en/aco/home/fly/customer-support/cancellation-options.html#/current-booking>

If you booked directly with Air Canada, please select one of the following:

Air Canada has already cancelled my booking

If you have a booking cancelled by Air Canada for travel prior to March 1, 2020, please [click here](#) to learn more about your options.

If you have a booking cancelled by Air Canada for travel after March 1, 2020, you have several options available to you depending on the type of fare you purchased and whether the cancellation was within Air Canada's control.

Cancellations outside of Air Canada's control

If Air Canada has already cancelled your booking, and the cancellation is outside of Air Canada's control (for example, due to the impacts of COVID-19, government travel advisories and/or health and safety concerns), you have two expanded options to choose from:

1. **Air Canada Travel Voucher** – Transfer the remaining value of all tickets in a booking and associated services to an Air Canada Travel Voucher. The voucher has no expiry date, is fully transferable and can be used multiple times.
2. **Aeroplan Miles** – Convert and transfer the remaining value of all tickets and associated services in a booking, minus any taxes, into Aeroplan Miles, and get an additional 65% bonus miles.

If you purchased a non-refundable fare, please note that in accordance with government regulations, non-refundable bookings that are cancelled due to the impacts of COVID-19, government travel advisories and/or health and safety concerns are outside of Air Canada's control and ineligible for a refund.

If you purchased a refundable fare, you have the additional option of returning the remaining refundable value of all tickets and associated services in a booking, minus any applicable fees, back to your original form of payment.

[How to process a cancellation](#)

Cancellations within Air Canada's control

For both refundable fares and non-refundable fares, if Air Canada has already cancelled your booking, and the cancellation is within Air Canada's control, you have three expanded options to choose from:

1. **Air Canada Travel Voucher** – Transfer the remaining value of all tickets in a booking and associated services to an Air Canada Travel Voucher. The voucher has no expiry date, is fully transferable and can be used multiple times.
2. **Aeroplan Miles** – Convert and transfer the remaining value of all tickets and associated services in a booking, minus any taxes, into Aeroplan Miles, and get an additional 65% bonus miles.
3. **Return to original form of payment** – Return the remaining refundable value of all tickets in a booking and associated services back to your original form of payment.

[How to process a cancellation](#)

Attachment 13

Captured on May 18, 2020 from <https://www.aircanada.com/us/en/aco/home/fly/flight-information/delayed-flights-and-cancellations/refund-options.html>

Home | Fly | Flight Information | Delayed Flights / Cancellations | Refund Options ^

Refund Options

 For flight cancellations due to the impacts of COVID-19, government travel advisories and/or health and safety concerns, click [here](#).

In the event of a flight cancellation or a delay of more than three hours, **for situations other than those outside our control**, Air Canada offers you the option of requesting a refund for the unused portion of your ticket, or using the unused portion toward future travel with us. **Cancellations resulting from the COVID-19 crisis are considered outside our control.**

To Request a Refund

If your flight is cancelled or delayed by more than 3 hours for reasons other than those outside Air Canada's control, and you'd like to obtain a refund for the unused portion of your ticket (including some fees and/or purchased travel options), please call **Air Canada Reservations**. You'll be directed to present your refund request via your original point of purchase.

If you choose to request a refund, the method with which you are refunded will accord with the method in which you paid. Your refund will include your fare and all taxes, as well as certain charges paid for added travel options.

To Retain the Ticket Value for Future Travel

To retain the value of your ticket for future travel:

- Contact **Air Canada Reservations**. Please provide the booking reference number or ticket number. A customer service agent will cancel your current reservation.
- Air Canada will retain the value of all unused portions of your ticket and certain related travel options. (Fares available online are not necessarily available through Air Canada Reservation.)
- You may also cancel your entire reservation or all remaining portions of your ticket online. Please keep your booking reference number so we can better assist you when you are ready to use the value of your ticket.

When you're ready to use the unused portion of your ticket for travel with us:

- Please contact **Air Canada Reservations**, and make sure to have your **booking reference** handy.
- Please keep in mind that:
 - Any change fee associated to your original ticket will be waived.
 - The value can be used for future travel on Air Canada, Air Canada rouge or Air Canada Express.
 - Unused non-refundable travel options, such as assigned seat selection, Maple Leaf Lounge access, and Air Canada Bistro snack or meal vouchers may be used on future flights, subject to availability.
 - If your ticket is fully unused, you must commence your travel within 12 months of the original issue date.
 - If your ticket was partially used, you must complete your travel within 12 months of the first used portion.
 - Tickets are non-transferable: the original booking passenger(s) must use their respective amount(s).
 - Any amount remaining unused after booking a new flight is forfeited.

Attachment 14

Captured on March 17, 2020 from

<https://www.aircanada.com/us/en/aco/home/book/travel-news-and-updates/2020/covid-19.html>

Note: Air Canada removed the information displayed in this attachment on or around March 19, 2020.

My flight has been cancelled. What should I do? ▼

For flight cancellations, we will contact you via the email address or phone number you provided when you booked your flight.

At a later time, when you decide you want to travel, you can apply your credit to a future booking. Please call Air Canada at **1-888-247-2262** to book your new flight with your credit.

If you decide to have your credit refunded to the original payment method, please fill out the refund form and submit it [here](#) .

Attachment 15A

Captured on May 21, 2020 from pagepages 2 of

https://www.aircanada.com/content/dam/aircanada/portal/documents/PDF/agents/en/ca/policies/SKCH_EN_V13.pdf

Overview

Air Canada has revised the Schedule Change policy, effective immediately, for schedule changes processed as of March 19, 2020.

This policy and these procedures cover Air Canada operated flights affected by schedule changes. A schedule change (SKCH) is a flight cancellation, time change, flight number change, routing/airport change or operating carrier change which occurs **more than 48 hours prior to the original scheduled departure time.**

Attachment 16B

Captured on May 21, 2020 from page 8 of

https://www.aircanada.com/content/dam/aircanada/portal/documents/PDF/agents/en/ca/policies/SKCH_EN_V13.pdf

Refunds

Schedule Change **occurred on/before** March 18, 2020

A refund is permitted and applies only for a 014 ticket if an acceptable protection cannot be found due to a schedule change on Air Canada, Air Canada Rouge, Air Canada Express (Jazz, Sky Regional, Air Georgian, EVAS), AC*/OAL or OAL that is:

- A schedule change of 60 minutes or more.
- A change of operating carrier.
- A routing/airport change.
- Not permitting a same-day connection.
- An aircraft change that results in a cabin change.
- Refunds are processed back to the original form of payment.
- Apply waiver code: **ACUSKEDCHG** along with the flight number.

Schedule Change **occurred on/after** March 19, 2020

Full refunds are not permitted.

Please refer to the *Save as Future Credit* and *Cancel and Refund as per Fare Rules* sections below.

Exception: Refunds are permitted for flights originating from the below countries; apply waiver code **ACUSKEDCHG** along with the flight number (e.g. **ACUSKEDCHGXXXX**).

Flight Origin	Refund of Unused Coupons	Deadline to request refund after SKCH
From Algeria	Yes + return to origin	8 days

Information subject to change without notice. *Altitude Super Elite 100K, Air Canada Express and Air Canada rouge are trademarks of Air Canada. ®Aeroplan is a registered trademark of Aimia Canada Inc. *Star Alliance is a trademark of the Star Alliance Members. May 14, 2020. V12.

To/From Israel	Yes	21 days
----------------	-----	---------

Attachment 17

Captured on May 18, 2020 from
https://www.aircanada.com/content/dam/aircanada/portal/html/flash-files/20/200323_en.html

As of May 7, 2020 - V8

We've waived changes for new and existing bookings made by customers worldwide. See below for additional details.

For quick reference on which policy to apply (Goodwill or Schedule Change), please refer to our helpful **one-page document.**

AIR CANADA CANCELLED YOUR FLIGHTS?

NO

Apply Goodwill Policy

Flight cancelled.
k.

cancelled up to 2 hours prior to the departure flight.

	MAY 31, 2020
	Between March 1, 2020 and up to May 31, 2021
	24 months from the date you cancel your booking
	As per fare rule
	Waived - one time
OL)	Applies
	CHNGFEE20

A

Version 4: May 7, 2020

YES

Involuntary Changes - Apply Schedule Change Policy

Applies when there is a flight cancellation, time change, flight number change, cabin change, routing/airport change or operating carrier change, which occurs more than 48 hours prior to the original scheduled departure time.

	SCHEDULE CHANGE PRIOR TO MARCH 19, 2020	SCHEDULE CHANGE ON/AFTER MARCH 19, 2020
Rebooking:	Permissible as per policy guidelines (allowed OAL). Add DUE SKCH in ticket endorsement.	Permissible as per policy guidelines (does not allow OAL*). Add DUE SKCH in ticket endorsement.
Refund:	Permissible, and applies only for a 014 ticket if an acceptable protection cannot be found.	As per fare rules. Non-refundable amounts will be lost (including non-refundable taxes). Any cancellation fees will apply. or Credit** ONLY for 24 months. Add CV20VL22 in ticket endorsement. Change fee waived – ADCOL collected if applicable.
*	Over-the-water re-protection flight must be Air Canada-operated and Air Canada-marketed.	
**	Ticket will need to be exchanged prior to the ticket expiry. Instructions can be found in the Schedule Change policy located at aircanada.com/agents , on the Online DRS or by contacting the GDS Help Desk.	

For complete details, please refer to the Schedule Change policy.

Certificate of Service

I hereby certify that I have, this 5 day of June caused a copy of the foregoing Complaint to be served by electronic mail on the following persons:

Anita Mosner

Anita.Mosner@hklaw.com

Kimberly Graber, Esq.

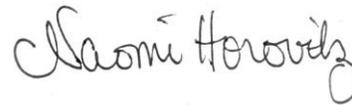
kimberly.graber@dot.gov

Blane Workie, Esq.

blane.workie@dot.gov

Robert Gorman, Esq.

robert.gorman@dot.gov

A handwritten signature in cursive script that reads "Naomi Horovitz". The signature is written in black ink and is positioned above a horizontal line.

Naomi M. Horovitz