

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

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Dr. Chance Finegan	)	
	)	
v.	)	Docket DOT-OST-2020-____
	)	
WestJet	)	
	)	
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**COMPLAINT OF DR. CHANCE FINEGAN**

Comments with respect to this document should be addressed to:

Dr. Chance Finegan

[chance.finegan@utoronto.ca](mailto:chance.finegan@utoronto.ca)

Dated: 17 June 2020

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

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Dr. Chance Finegan )  
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v. ) Docket DOT-OST-2020-\_\_\_\_  
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WestJet )  
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**COMPLAINT OF DR. CHANCE FINEGAN**

1. This complaint arises out of WestJet’s non-compliance with the Department’s rules regarding consumers’ right to be promptly 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”<sup>1</sup>, hereinafter referred to as the “April Enforcement Notice”.
2. This complaint also arises out of WestJet’s failure to make good-faith efforts to provide refunds to passengers for flights cancelled by the airlines, even for reasons outside the carriers’ control, in a prompt fashion, as required by the

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<sup>1</sup> 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](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).

Department's notice of 12 May 2020<sup>2</sup> (hereinafter referred to as the "May Enforcement Notice") and with reference to 14 CFR § 259.5(b)(5).

3. WestJet's practice of failing to provide prompt refunds, or make good-faith efforts to do so, constitute an unfair or deceptive practice within the meaning of 49 U.S.C. § 41712<sup>3</sup>.

## **I. FACTS**

### **A. Flight cancelled by WestJet**

4. On 24 February 2020, I purchased two tickets (for myself and my spouse) for a WestJet flight from Toronto to Portland, Oregon, via Calgary, departing on 18 June 2020 and returning on 23 June 2020 (Attachment 1).
5. On 10 May 2020, I learned that our flight from Calgary to Portland was cancelled by WestJet (see sentence two, paragraph 1, Attachment 2).
6. On 10 May 2020, I contacted WestJet to request a refund for the cancelled flight. I provided WestJet with a copy of the Department's April Enforcement Notice. My request was denied, and I was only offered a flight voucher/credit (Attachment 3).
7. On 11 May 2020, I received further confirmation that our flight was cancelled (see page 7, Attachment 2).

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<sup>2</sup> 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 6: "How quickly must airlines and ticket agents process refunds?") [https://www.transportation.gov/airconsumer/FAQ\\_refunds\\_may\\_12\\_2020](https://www.transportation.gov/airconsumer/FAQ_refunds_may_12_2020).

<sup>3</sup> 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.

8. On 12 May 2020, I again contacted WestJet and request a refund of our cancelled flight. I provided a copy of the Department's May Enforcement Notice. My request was again denied (Attachment 3).
9. On 5 June 2020, after seeing media reports that WestJet was beginning to issue refunds for cancelled flights to/from the USA, I contacted WestJet again for a refund and was once again denied (Attachment 3).

**B. WestJet's refund policy for cancelled flights to/from the USA**

10. WestJet's current policy (Attachment 4) is that customers who purchased nonrefundable flight tickets to/from the USA are only entitled to receive full refunds for flights cancelled or changed by the carrier due to the COVID-19 pandemic after a lengthy wait. For example, our flight of 18 June will not be eligible for a refund request until 1 September, and the request may take 4-6 weeks to process (i.e., the refund process may not be complete until 13 October, nearly 17 weeks after our flight date and a full 22 weeks after the cancellation). This is not a prompt refund<sup>4</sup>, nor does requiring the consumer to wait this long – nearly 6 months – represent a good-faith effort to provide a prompt refund.

**C. WestJet's obligations**

11. WestJet 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 enumerated in both the April and May Enforcement

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<sup>4</sup> 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 6: "How quickly must airlines and ticket agents process refunds?") [https://www.transportation.gov/airconsumer/FAQ\\_refunds\\_may\\_12\\_2020](https://www.transportation.gov/airconsumer/FAQ_refunds_may_12_2020). See also 14 CFR § 259.5.

Notices, which apply to U.S. and foreign airlines operating flights from, to, and within the United States.

12. In its April 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 for the flight disruption is outside the carrier's control, and regardless of the nonrefundability/penalty provisions of the ticket purchased by the consumer.
13. In page 1 of its April Enforcement Notice, the Department writes that  
“Carriers have a longstanding obligation to provide a prompt refund to a ticketed passenger when the carrier cancels the passenger's flight.”
14. In page 2 of its April 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.

15. In its May Enforcement Notice, and with reference to 14 CFR § 259.5(b)(5), the Department defines a “prompt” refund as “within 7 business days if a passenger paid by credit card.”
16. Also in its May Enforcement Notice, the Department reiterated that airlines must make “good faith efforts to provide refunds in a timely manner.”

**D. WestJet’s non-compliance and violations**

17. WestJet’s policy of not issuing prompt refunds for flights cancelled by the airline, regardless of the reason for cancellation and regardless of the nonrefundability and cancellation penalty provisions of the purchased ticket(s), is in direct violation of its obligations and of consumers’ right to be refunded as per the rules detailed in the Department’s Enforcement Notices of 3 April and 12 May 2020.
18. Further, WestJet’s requirement that passengers with cancelled flights wait more than seven days – and in our case, up to 22 weeks – for a refund is in direct violation of 14 CFR § 259.5’s requirement for prompt refunds and of the Department’s definition of “prompt.”
19. Finally, WestJet’s policy of not processing refunds for passengers such as ourselves until at least 1 September 2020 and possibly as late as 13 October 2020 does not represent a “good faith effort to provide refunds in a timely manner” as required by the 12 May 2020 notice from the Department. Instead, it represents an outright refusal to provide a refund in a timely manner.
20. Many airlines are complying with their obligations to refund passengers, especially after the issuance of the Enforcement Notice on April 3<sup>rd</sup>. These

airlines will be in an unfairly disadvantageous financial situation if other airlines, such as WestJet, are allowed to continue practices that violate the same obligations without incurring any penalty.

## **II. REQUESTED RESOLUTION**

21. I ask that the Department of Transportation:

- (1) Exercise its authority under 49 USC 41712 to open an investigation of WestJet for its non-compliance with the Department's Enforcement Notice and the regulations on which the notice is based;
- (2) Order WestJet to comply with its obligation to promptly issue refunds for flights cancelled or significantly delayed, regardless of the reason of such flight disturbances;
- (3) Order WestJet 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 in a prompt fashion 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 WestJet.

Respectfully submitted,  
/s/  
Dr. Chance Finegan





# Attachment 1

## eTicket Receipt

### Prepared For

FINEGAN/CHANCE [REDACTED]

RESERVATION CODE	[REDACTED]
ISSUE DATE	24Feb20
TICKET NUMBER	[REDACTED]
ISSUING AIRLINE	WESTJET
ISSUING AGENT	WestJet/SDX
TOUR CODE	[REDACTED]
FREQUENT FLYER NUMBER	[REDACTED]

## Itinerary Details

TRAVEL DATE	AIRLINE	DEPARTURE	ARRIVAL	OTHER NOTES
18Jun20	WESTJET WS 665	TORONTO ON, CANADA  Time 15:00 Terminal TERMINAL 3	CALGARY INTL AB, CANADA  Time 17:11	Cabin ECONOMY Seat Number CHECK-IN REQUIRED Baggage Allowance NIL Booking Status OK TO FLY Fare Basis LCVD0ETI Not Valid Before 18JUN20 Not Valid After 18JUN20
18Jun20	WESTJET WS 3630  Operated by: WESTJET ENCORE	CALGARY INTL AB, CANADA  Time 18:35	PORTLAND OR, OR  Time 19:42	Cabin ECONOMY Seat Number CHECK-IN REQUIRED Baggage Allowance NIL Booking Status OK TO FLY Fare Basis KTUD0EZK Not Valid Before 18JUN20 Not Valid After 18JUN20
23Jun20	WESTJET WS 3629  Operated by: WESTJET ENCORE	PORTLAND OR, OR  Time 07:00	CALGARY INTL AB, CANADA  Time 10:05	Cabin ECONOMY Seat Number CHECK-IN REQUIRED Baggage Allowance NIL Booking Status OK TO FLY Fare Basis KTUD0EZK Not Valid Before 23JUN20 Not Valid After 23JUN20
23Jun20	WESTJET WS 670	CALGARY INTL AB, CANADA  Time 13:30	TORONTO ON, CANADA  Time 19:10 Terminal TERMINAL 3	Cabin ECONOMY Seat Number CHECK-IN REQUIRED Baggage Allowance NIL Booking Status OK TO FLY Fare Basis LCUD0ETI Not Valid Before 23JUN20 Not Valid After 23JUN20

## Allowances

### Baggage Allowance

YYZ to PDX - 0 Pieces WESTJET

Prices of additional baggage pieces:

1. 30.00 CAD up to 50 pounds/23 kilograms and up to 62 linear inches/158 linear centimeters
2. 50.00 CAD up to 50 pounds/23 kilograms and up to 62 linear inches/158 linear centimeters

PDX to YYZ - 0 Pieces WESTJET

Prices of additional baggage pieces:

1. 30.00 CAD up to 50 pounds/23 kilograms and up to 62 linear inches/158 linear centimeters
2. 50.00 CAD up to 50 pounds/23 kilograms and up to 62 linear inches/158 linear centimeters

ADDITIONAL ALLOWANCES AND/OR DISCOUNTS MAY APPLY DEPENDING ON FLYER-SPECIFIC FACTORS /E.G. FREQUENT FLYER STATUS/MILITARY/ CREDIT CARD FORM OF PAYMENT/EARLY PURCHASE OVER INTERNET,ETC

### Carry On Allowances

YYZ to YYC , YYC to PDX , PDX to YYC , YYC to YYZ - 1 Piece (WS - WESTJET)

### Carry On Charges

YYZ to YYC , YYC to PDX , PDX to YYC , YYC to YYZ - (WS - WESTJET)

## Payment/Fare Details

<b>Form of Payment</b>	<b>CREDIT CARD - [REDACTED] : [REDACTED]</b>
Fare Calculation Line	YTO WS YYC66.63WS PDX57.08WS YYC57.08WS YTO91.90NUC272.69END ROE1.300717 XFPDX4.5
<b>Fare</b>	<b>CAD 354.69</b>
<b>Taxes/Fees/Carrier-Imposed Charges</b>	<b>CAD 12.10 CA4 (AIR TRAVELLERS SECURITY CHARGE)</b>
	<b>CAD 18.34 XG8 (GOODS AND SERVICES TAX (GST))</b>
	<b>CAD 25.00 SQ (AIRPORT IMPROVEMENT FEE (AIF))</b>
	<b>CAD 3.25 RC2 (HARMONIZED SALES TAX (HST))</b>
	<b>CAD 50.08 US2 (TRANSPORTATION TAX (INTERNATIONAL))</b>
	<b>CAD 7.80 YC (CUSTOMS USER FEE)</b>
	<b>CAD 9.27 XY2 (IMMIGRATION USER FEE)</b>
	<b>CAD 5.25 XA (APHIS USER FEE)</b>
	<b>CAD 7.42 AY (SEPTEMBER 11TH SECURITY FEE)</b>
	<b>CAD 5.96 XF (PASSENGER FACILITY CHARGE)</b>

**Total****CAD 499.16****Positive identification required for airport check in****Notice:****QST # 1202807956TQ0001    GST # 866112535**

Baggage fees are charged in CAD or USD by direction depending on point of departure. Guests departing the United States, Latin America and the Caribbean will pay baggage fees in USD. Please see <https://www.westjet.com/en-ca/travel-info/fares/service-fees> for more information.

Passengers embarking upon a journey involving an ultimate destination or a stop in a country other than the country of departure are advised that the provisions of an international treaty (the Warsaw Convention, the 1999 Montreal Convention, or other treaty), as well as a carrier's own contract of carriage or tariff provisions, may be applicable to their entire journey, including any portion entirely within the countries of departure and destination. The applicable treaty governs and may limit the liability of carriers to passengers for death or personal injury, destruction or loss of, or damage to, baggage, and for delay of passengers and baggage. Additional protection can usually be obtained by purchasing insurance from a private company. Such insurance is not affected by any limitation of the carrier's liability under an international treaty. For further information please consult your airline or insurance company representative.

**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 <http://www.iatatravelcenter.com/privacy> 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. (applicable for interline carriage)

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## WestJet updates schedule from June 5 through July 4, 2020

By [WestJetter](https://blog.westjet.com/author/westjetter/) (https://blog.westjet.com/author/westjetter/) | May 10, 2020 |

[12 Comments](https://blog.westjet.com/westjet-updates-schedule-from-june-5-through-july-4-2020/#disqus_thread) (https://blog.westjet.com/westjet-updates-schedule-from-june-5-through-july-4-2020/#disqus\_thread).

### WestJet updates schedule from June 5 through July 4, 2020

**WESTJET** 

WestJet has updated its schedule from June 5 through to July 4, 2020 to address significantly reduced guest demand for air travel while continuing to keep critical economic lifelines open for essential travel and cargo. At this time, WestJet is also extending its temporary transborder and international route suspensions through June 25, 2020. Guests with travel booked after June 5 through July 4, will be proactively notified of their options. Full schedule details are available on [westjet.com](https://www.westjet.com/en-ca/index) (https://www.westjet.com/en-ca/index).

It is through the hard work and dedication of teams across WestJet that we continue to provide safe, on-time air travel throughout Canada. We thank all WestJetters and our airport partners for their support during this time. For information on WestJet's COVID-19 response including health, safety and cleaning protocols, visit the WestJet COVID-19 site [here](https://www.westjet.com/en-ca/travel-info/coronavirus) (https://www.westjet.com/en-ca/travel-info/coronavirus).

### Domestic route suspensions from June 5 through July 4, 2020:

Market	Previous frequency
Vancouver - Nanaimo	2x daily
Vancouver - Comox	1x daily

Market	Previous frequency
Vancouver - Regina	4x weekly
Vancouver - Saskatoon	1x daily
Vancouver - Winnipeg	3x daily
Vancouver - Fort St. John	1x daily
Vancouver - Cranbrook	1x daily
Vancouver - Ottawa	2x daily
Vancouver - Montreal	6 to 13x weekly
Vancouver - Halifax	6x weekly
Kelowna - Victoria	12x weekly
Calgary - Prince George	1x daily
Calgary - Ottawa	2x daily
Calgary - Montreal	2x daily
Calgary - London, ON	1 to 2x daily
Calgary - Halifax	3x daily
Calgary - St. John's	1x daily
Edmonton - Comox	8x weekly
Edmonton - Victoria	20x weekly
Edmonton - Kelowna	7x daily
Edmonton - Grande Prairie	13x weekly
Edmonton - Yellowknife	1x daily
Edmonton - Saskatoon	3x daily
Edmonton - Regina	3x daily
Edmonton - Winnipeg	20x weekly
Edmonton - Ottawa	4x weekly
Edmonton - Montreal	3x weekly
Edmonton - Halifax	10x weekly



Market	Previous frequency
Edmonton - St. John's	4x weekly
Winnipeg - Ottawa	1x daily
Winnipeg - Regina	1x daily
Winnipeg - Halifax	1x daily
Toronto - Victoria	4x weekly
Toronto - Regina	10x weekly
Toronto - Saskatoon	12x weekly
Halifax - Montreal	2x daily

## The following domestic markets will have a new seasonal start date:

Market	New start date
Calgary - Quebec City	6-Jul-20
Calgary - Charlottetown	5-Jul-20
Winnipeg - Montreal	5-Jul-20
Toronto - Kelowna	5-Jul-20
Toronto - Sydney, NS	5-Jul-20

Previous post (<https://blog.westjet.com/westjet-aircraft-cleaning-and-sanitization-coronavirus-covid-19/>)

## Operations

### WestJet saves 1,000 pilot jobs through ALPA agreements

(<https://blog.westjet.com/westjet-saves-1000-pilot-jobs-through-alpa-agreements/>)

[Read more \(https://blog.westjet.com/westjet-saves-1000-pilot-jobs-through-alpa-agreements/\)](https://blog.westjet.com/westjet-saves-1000-pilot-jobs-through-alpa-agreements/)

If you're looking to smile, you've come to the right place. See where we fly, what's happening up in the sky and stay up-to-date with everything WestJet.

## Topics

[Owners Care \(https://blog.westjet.com/?n=owners\)](https://blog.westjet.com/?n=owners)

[Destinations \(https://blog.westjet.com/?n=destinations\)](https://blog.westjet.com/?n=destinations)

[Operations \(https://blog.westjet.com/?n=operations\)](https://blog.westjet.com/?n=operations)

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### Operations

#### Keeping you safe through your journey

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[Read more \(https://blog.westjet.com/westjet-aircraft-cleaning-and-sanitization-coronavirus-covid-19/\)](https://blog.westjet.com/westjet-aircraft-cleaning-and-sanitization-coronavirus-covid-19/)



Chance Finegan [REDACTED]

## Important changes to your upcoming WestJet flight / Changements importants concernant votre vol de WestJet

1 message

**WestJet** <flightchange@travelinfo.westjet.com>

Mon, May 11, 2020 at 6:22 PM

To: [REDACTED]

There have been changes to your itinerary - please review and action as required.  
To ensure you receive emails from WestJet, please add us to your contacts.



[Version française](#)

Hello Chance [REDACTED] Finegan,

Due to adjustments to our flight schedule, we're sorry to advise you that it has been necessary to change one or more of your WestJet flights and we are unable to provide an alternative flight option.

For your reference, the reservation code is: [REDACTED]

We are not processing refunds to original form of payment at this time. The full value of your flight will be refunded to a WestJet travel bank, which is valid for 24 months from date of issue. If you prefer a refund to original form of payment, we will provide information at a later date.

We sincerely apologize for any inconvenience these changes may cause you. Thank you for your understanding.



[Privacy policy](#)

You have received this notification because you have booked a flight with WestJet. Replies to this email will not be received.

This electronic message and any attached documents are intended only for the named addressee(s). This communication from WestJet may contain information that is privileged, confidential or otherwise protected from disclosure and it must not be disclosed, copied, forwarded or distributed without authorization. If you have received this message in error, please notify the sender immediately and delete the original message.

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WestJet, [22 Aerial Place NE, Calgary, AB T2E 3J1, Canada](#)

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Des changements ont été apportés à votre itinéraire. Veuillez l'examiner et prendre les mesures nécessaires.

Afin de vous assurer de recevoir les courriels de WestJet, veuillez nous ajouter à vos contacts.



[English version](#)

Bonjour Chanc [REDACTED] Finegan,

En raison de changements apportés à notre horaire de vols, nous avons le regret de vous informer que nous avons dû modifier un ou plusieurs de vos vols WestJet et que nous ne pouvons pas vous offrir d'autres options de vols pour le moment.

À titre de référence, le code de réservation est : [REDACTED]

Nous n'effectuons pas de remboursements au mode de paiement initial en ce moment. La valeur totale sera remboursée sous forme d'un crédit versé dans une banque de voyage WestJet. Les crédits de la banque de voyage WestJet seront valides pendant 24 mois à compter de la date d'émission. Si vous préférez un remboursement au mode de paiement initial, nous fournirons des informations à une date ultérieure.

Nous sommes sincèrement désolés de tout inconfort que ces changements pourraient vous causer. Nous vous remercions de votre compréhension.



[Politique de confidentialité](#)

Vous avez reçu cet avis parce que vous avez réservé un vol avec WestJet. WestJet ne recevra pas les réponses à ce courriel.

Ce message électronique et tout document joint sont destinés exclusivement aux destinataires mentionnés. Cette communication de WestJet peut contenir des renseignements privilégiés, confidentiels ou, par ailleurs, protégés contre toute divulgation. De plus, il est interdit de la divulguer, de la copier, de l'acheminer ou de la distribuer sans autorisation. Si vous recevez ce message par erreur, veuillez en aviser l'expéditeur immédiatement et supprimer le message d'origine.

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WestJet, [22 Aerial Place NE, Calgary, AB T2E 3J1, Canada](#)

## Attachment 3



Hello, I am writing in regards to reservation [REDACTED] (YYZ<>PDX; 18-23 June). I see that WestJet has cancelled transborder service until 4 July. I am writing to request a refund - not a voucher/credit - for my flight as per the US DOT Enforcement Notice dated 3 April 2020 (Enforcement Notice Regarding Refunds By Carriers Given The Unprecedented Impact Of The Covid-19 Public Health Emergency On Air Travel). For your reference, the enforcement notice is posted here: [transportation.gov/sites/dot.gov/...](https://www.transportation.gov/sites/dot.gov/...)

May 10, 2020, 3:12 PM ✓



Coronavirus (COVID-19)

westjet.com

Hi Chance,

Thank you for reaching out to WestJet. As the CTA notes in their recent clarification, airline tariffs do not always provide for cash refunds especially in cases beyond our control. WestJet believes refunding with travel credits is an appropriate and responsible approach in extraordinary circumstances such as the COVID-19 crisis.

This is a rapidly evolving situation and we encourage you to check our website regularly for up-to-date information pertaining to COVID-19 here: [ms.spr.ly/6010T9jzp](https://www.ms.spr.ly/6010T9jzp).

~ Daljit

May 10, 2020, 3:33 PM

The CTA's clarification is not legally-binding. It is merely a guideline, unlike the DOT Enforcement Notice. I request a refund for my cancelled flights. If a refund is not issued



Start a new message





The CTA's clarification is not legally-binding. It is merely a guideline, unlike the DOT Enforcement Notice. I request a refund for my cancelled flights. If a refund is not issued within 14 calendar days, or 10 business days (whichever is longer) of my request, I will be initiating a chargeback with my credit card.

May 10, 2020, 3:58 PM ✓

(in addition to filing a complaint with the US DOT)

May 10, 2020, 3:59 PM ✓

There are no exceptions at this time, for this as a company-wide mandate. Please reach out to the Canadian Transportation Agency if you wish for mediation as we cannot escalate this matter further.  
~ Daljit



May 10, 2020, 4:53 PM

Good evening.  
Kindly note that the US DOT has issued a second enforcement notice that airlines operating to/from/within the USA "have an obligation to provide a refund to a ticketed passenger when the carrier cancels or significantly changes the passenger's flight, and the passenger chooses not to accept an alternative offered by the carrier." may view the enforcement notice here: [transportation.gov/briefing-room/...](https://www.transportation.gov/briefing-room/...)

May 12, 2020, 11:45 PM ✓

Hi, Chance, we are carefully monitoring the regulatory frameworks in all jurisdictions in which we operate.

As the Canadian Transportation Agency (CTA) has recently clarified, some jurisdictions have relaxed the application or enforcement of requirements related to refunds in light of the impacts of the COVID-19 pandemic.

At this time, and in alignment with what is outlined on our website, if booked directly with us, we are offering the full value of your flight to a Travel Bank, valid for use within 24 months.

Details about Travel Bank credits are outlined here:



Start a new message



Hi, Chance, we are carefully monitoring the regulatory frameworks in all jurisdictions in which we operate.

As the Canadian Transportation Agency (CTA) has recently clarified, some jurisdictions have relaxed the application or enforcement of requirements related to refunds in light of the impacts of the COVID-19 pandemic.

At this time, and in alignment with what is outlined on our website, if booked directly with us, we are offering the full value of your flight to a Travel Bank, valid for use within 24 months.

Details about Travel Bank credits are outlined here: [ms.spr.ly/6019T9ofd](https://ms.spr.ly/6019T9ofd).

We have shared how we can help you, although it sounds like you need some time to think about it. Please reach out at another time when you have made your decision based on the information we have provided.

If needed, more details on our travel advisories can be found here: [ms.spr.ly/6010T9ofe](https://ms.spr.ly/6010T9ofe).

Thank you for contacting WestJet today. ~Cindy



May 13, 2020, 1:10 AM

Good morning,

No, I do not need time to "think about it." As I stated on 3 May, I am requesting a full refund - not a voucher - for the cancelled trips.

May 13, 2020, 9:45 AM ✓



Travel advisory: coronavirus and more  
[westjet.com](https://westjet.com)

We have shared how we can help you though it



Start a new message







Travel advisory: coronavirus and more  
[westjet.com](https://westjet.com)

We have shared how we can help you though it sounds like you need some time to think about it, and we do need to help the next guest in queue. Please reach out at another time when you have made your decision based on the information we have provided.

If needed, more details on our travel advisories can be found here: [ms.spr.ly/6014T9qUj](https://ms.spr.ly/6014T9qUj). Thank you for contacting WestJet today.

May 13, 2020, 9:58 AM

Hello,

I have seen that WestJet is now complying with the US DOT enforcement notice regarding refunds for cancelled transborder flights. Kindly issue a refund for [REDACTED] (YYZ-PDX via YYC, 18-23 June) to the original form of payment.

May 23, 2020, 10:44 AM ✓

We are now offering the additional option of refunds to original form of payment for guests with U.S. itineraries that were cancelled by WestJet due to the COVID-19 crisis, starting with select bookings for travel commencing March 1st to March 28th, 2020.

Upon review, your reservation EYFICW is not eligible to request this option at this time as it falls outside of the applicable date range that we are currently processing. Guests with previously cancelled flights impacted by transborder route suspensions will be contacted via email at a later date, and the bookings will be subject for review at that time.



Start a new message



and we do need to help the next guest in queue.  
Please reach out at another time when you have made your decision based on the information we have provided.

If needed, more details on our travel advisories can be found here: [ms.spr.ly/6014T9qUj](https://ms.spr.ly/6014T9qUj). Thank you for contacting WestJet today.



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We are now offering the additional option of refunds to original form of payment for guests with U.S. itineraries that were cancelled by WestJet due to the COVID-19 crisis, starting with select bookings for travel commencing March 1st to March 28th, 2020.

Upon review, your reservation EYFICW is not eligible to request this option at this time as it falls outside of the applicable date range that we are currently processing. Guests with previously cancelled flights impacted by transborder route suspensions will be contacted via email at a later date, and the bookings will be subject for review at that time.

The situation around COVID-19 has and continues to be fluid, and we thank you for your support and patience as we navigate through these unprecedented times. ~Ariel



May 23, 2020, 11:02 AM

WestJet's arbitrary, internal processing schedules do not supersede 14 CFR § 259.5(b)(5) nor US DOT enforcement notices which clearly state that passengers are entitled to refunds within 7 business days. You are required by the US DOT to (promptly) issue a refund for my cancelled flight.

May 23, 2020, 11:15 AM ✓



Start a new message





WestJet's arbitrary, internal processing schedules do not supersede 14 CFR § 259.5(b)(5) nor US DOT enforcement notices which clearly state that passengers are entitled to refunds within 7 business days. You are required by the US DOT to (promptly) issue a refund for my cancelled flight.

May 23, 2020, 11:15 AM ✓

Good evening, following on recent press reports which state that you are offering refunds for travel to/from the USA for the period March 1 - June 30, kindly issue a refund to the original form of payment for ticket [REDACTED] (YYZ-PDX via YYC, 18-23 June).

Source: [cp24.com/news/westjet-b...](https://cp24.com/news/westjet-b...)

Jun 5, 2020, 7:36 PM ✓

Hi, Chance, thanks for reaching out to us again. While we appreciate that this is a trying time for our guests, the option for a refund to the original form of payment is not available at this time. Due to the extenuating circumstances, all refunds for flight-only reservations made directly through WestJet are being placed in Travel Bank credits valid for 24 months. For those who booked through a travel agent (directly or online), the type of future travel credit issued is called an "OK status" or "open status" ticket valid for 13 months from the date of what would have been your first flight. These can be also extended to 24 months. Travel can occur after the expiry date, and you can use your credit to book for someone else. There are no exceptions, as this is a company-wide mandate. As a business, we have come up with this solution for refunds. Offering a credit is a compromise that allows us to continue as a business, provides guests with refunds without penalties and gives us the opportunity to welcome you back on board in the future. At this time, only those with travel from March 1 to April 4, 2020, whose transborder (U.S.) or United Kingdom (U.K.) flights were cancelled by WestJet due to the COVID-19 pandemic and temporary route suspensions will have the option of a refund to the



Start a new message



suspensions will have the option of a refund to the original form of payment. Those who cancelled before these schedule changes took place are not eligible right now.

We are proactively contacting guests with eligible reservations who have already had their refunds processed to Travel Bank credits with next steps on dealing with this option. For those booked through a travel agent (directly or online), please continue to work with them to determine eligibility for refunding to original form payment.

We'd recommend keeping an eye on the email account provided at the time the reservation was made for any updates.

We'd also suggest keeping an eye on our coronavirus travel advisory page for updates on our response to the global pandemic: [ms.spr.ly/6014TcYW6](https://ms.spr.ly/6014TcYW6).

The Canadian Transportation Agency (CTA) recently released a statement, and we can assure you WestJet is following CTA guidelines. You may view the full statement on CTA's website here: [ms.spr.ly/6015TcYWB](https://ms.spr.ly/6015TcYWB). ~Cindy



Jun 5, 2020, 8:17 PM

Kindly clarify the following from the Canadian Press report: "WestJet's refund offer, spelled out in a document sent to travel agents and obtained by The Canadian Press, applies to flights that include a U.S. or U.K. city as the destination or origin....The refunds apply to U.S. and U.K. flights that were scheduled between March 1 and June 30, with a processing time of four to six weeks, according to the document."

Is the press report inaccurate? If it is accurate, why I am not being refunded for the transborder flight that you cancelled?

(again, I would also refer to the US DOT enforcement notices, which have been quite clear - and which, unlike the CTA's statement, are legally-binding on airlines operating to/from/within the USA)

Jun 5, 2020, 8:30 PM ✓

The dates in The Canadian Press report are not accurate



Start a new message





steps on dealing with this option. For those booked through a travel agent (directly or online), please continue to work with them to determine eligibility for refunding to original form payment.

We'd recommend keeping an eye on the email account provided at the time the reservation was made for any updates.

We'd also suggest keeping an eye on our coronavirus travel advisory page for updates on our response to the global pandemic: [ms.spr.ly/6014TcYW6](https://ms.spr.ly/6014TcYW6).

The Canadian Transportation Agency (CTA) recently released a statement, and we can assure you WestJet is following CTA guidelines. You may view the full statement on CTA's website here: [ms.spr.ly/6015TcYWB](https://ms.spr.ly/6015TcYWB). ~Cindy



Jun 5, 2020, 8:17 PM

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Is the press report inaccurate? If it is accurate, why I am not being refunded for the transborder flight that you cancelled?

(again, I would also refer to the US DOT enforcement notices, which have been quite clear - and which, unlike the CTA's statement, are legally-binding on airlines operating to/from/within the USA)

Jun 5, 2020, 8:30 PM ✓

The dates in The Canadian Press report are not accurate.

WestJet is carefully monitoring the regulatory frameworks in all its operated jurisdictions.

As this is a rapidly evolving situation, we encourage guests to check our website regularly for up-to-date information pertaining to COVID-19. ~Cindy



Jun 5, 2020, 10:14 PM



Start a new message



## Refund policy

Due to the ever-changing COVID-19 situation, we are now able to offer the option for a refund to original form of payment for guests who had a journey that included a United States **or** United Kingdom flight segment that was cancelled by WestJet (UN, UC or NO) due to our temporary route suspensions.

You and your client have the option of retaining the full ticket value up to 24 months for a future flight or refunding to original form of payment. If your client prefers a refund to original form of payment, please follow the process below.

Note: If your client chose to voluntarily cancel their booking, they are not eligible for a refund to original form of payment unless they purchased a PremiumFlex (W) or BusinessFlex (J) fare.

If your client purchased a refundable J or W class of service, these fares can also be refunded to original form of payment. If your client has a wholly domestic, European, Caribbean/Mexico journey and prefers a refund to original form of payment, we will provide further information at a later date.

**IMPORTANT: Please review in detail the criteria for which you can submit a request for refund. Requests for refunds received outside these guidelines will be rejected.**

<b>BSP REFUND PROCESS</b> .....	<b>2</b>
TERMS AND CONDITIONS FOR UNITED STATES OR UNITED KINGDOM JOURNEYS.....	2
TERMS AND CONDITIONS FOR PREMIUMFLEX (W CLASS OF SERVICE) OR BUSINESSFLEX (J CLASS OF SERVICE).....	2
BSP PROCESS.....	2
<b>ARC REFUND PROCESS</b> .....	<b>3</b>
TERMS AND CONDITIONS FOR UNITED STATES OR UNITED KINGDOM JOURNEYS.....	3
TERMS AND CONDITIONS FOR PREMIUMFLEX (W CLASS OF SERVICE) OR BUSINESSFLEX (J CLASS OF SERVICE).....	3
ARC AGENCY .....	3
<b>FREQUENTLY ASKED QUESTIONS</b> .....	<b>4</b>



## BSP refund process

For United States or United Kingdom refund requests, please follow the submission calendar below.

IMPORTANT: If your submission is received outside of these ranges, it will be rejected and you will need to resubmit at the appropriate time.

Flight date	PNR in UN, UC or NO status	Date you can <u>begin</u> submitting your request	Estimated date refund will be completed
March 1-31, 2020	Yes	June 1, 2020	4-6 weeks
April 1-15, 2020	Yes	June 16, 2020	4-6 weeks
April 16-30, 2020	Yes	July 1, 2020	4-6 weeks
May 1-15, 2020	Yes	July 16, 2020	4-6 weeks
May 16-31, 2020	Yes	August 1, 2020	4-6 weeks
June 1-15, 2020	Yes	August 16, 2020	4-6 weeks
June 16-30, 2020	Yes	September 1, 2020	4-6 weeks

### Terms and conditions for United States or United Kingdom journeys

- Ticket must contain at least one United States or United Kingdom origin or destination city.
- The flight segment(s) must have been cancelled by WestJet (UN, UC or NO) as a result of COVID-19.
- Applies to all fares and class of service.
- Calendar submission dates must be followed, or the request will be rejected.
- Submissions with incorrect values or detail will be rejected and must be resubmitted.

### Terms and conditions for PremiumFlex (W class of service) or BusinessFlex (J class of service)

- Applies for all origin/destinations and can be submitted at any time.
- Refund request can be submitted even if the ticket was not impacted by COVID-19.
- In the case of tickets with combined fares, only the J and W fares/coupons are eligible for refunds as per standard fare rules. If the ticket includes a United States or United Kingdom origin or destination, the full ticket can be requested for refund.

### BSP process

- Submit the refund application in BSPLink.
- WestJet will review the request and either approve the refund to original form of payment or reject the refund request. If the request is approved:
  - The payment card will be refunded.
  - Cash will be refunded via BSP settlement.
  - Commission will be recalled in all cases.
- All requests will be reviewed for eligibility and processed in four to six weeks.

*Note: Requests received outside of these conditions will not be actioned.*



## ARC refund process

### Terms and conditions for United States or United Kingdom journeys

- At this time, we are actively working through the options for ARC refunds for guests who had a journey with a United States or United Kingdom origin or destination city.
- Please **do not** email requests for refunds until we can provide a solution.
- We will provide an update as soon as possible on where to submit these requests.

### Terms and conditions for PremiumFlex (W class of service) or BusinessFlex (J class of service)

Process for PremiumFlex (W) or BusinessFlex (J) refunds			
Channel	Payment type	Action	Contact details
ARC Agency	Payment cards	Email WestJet to process refund	<a href="mailto:Agencysalessupport@westjet.com">Agencysalessupport@westjet.com</a>
	Cash	Email WestJet to process ACM	<a href="mailto:TAPaymentservices@westjet.com">TAPaymentservices@westjet.com</a>
BSP Agency	Payment cards and cash	Submit refund application in BSPlink	BSPlink refund application
WestJet Agent	Payment cards	Contact WestJet for processing	Travel Support Team 1-877-664-3205

NOTE: This is a temporary process in place as a result of COVID-19.

### ARC Agency

For PremiumFlex (W class of service) or BusinessFlex (J class of service):

- For tickets with combined fares, only J and W fares/coupons are eligible for refunds as per standard fare rules.
- Please email your request to WestJet and include the following subject line and details:
  - Subject line: J/W REFUND REQUEST
  - Details to include: Ticket number(s), guest name, IATA number, agency phone number.
  - DO NOT INCLUDE: Payment card numbers. We will contact you for this as required.
- For payment cards:
  - If the ticket was paid with a payment card such as Visa or Mastercard, please send your refund request to [agencysalessupport@westjet.com](mailto:agencysalessupport@westjet.com).
  - If applicable, the refund will be processed to the original payment card.
- For cash payments:
  - If the ticket was originally settled via ARC with cash, cheque, etc., please send your refund request to [TAPaymentservices@westjet.com](mailto:TAPaymentservices@westjet.com).
  - If applicable, the refund will be in the form of an Agency Credit Memo (ACM).
- All requests will be reviewed for eligibility and processed in four to six weeks.
- WestJet will reply once your request has been reviewed and advise of any action taken.

*Note: Other class of service or fare types received outside of these conditions will not be actioned.*

## Frequently asked questions

**Q: Why can't I submit a refund request for tickets issued via ARC that contain a United States or United Kingdom origin or destination?**

A: We are actively working on solutions for ARC-issued tickets. Your refund request can be submitted at a future date and we will advise as soon as this is available. We appreciate your patience as we work through these options.

**Q: What happens if my client purchased a pre-reserved seat?**

A: If you have issued a pre-reserved seat EMD from you GDS, we are still working through options for how to refund. If you purchased a pre-reserved seat from westjet.com or via the Travel Support Team, please call to have your United States or United Kingdom seat fee refunded.

**Q: Why am I not able to refund my client's ticket in the GDS?**

A: Due to refund restrictions, the ability to self-refund is restricted. Please follow the refund process as outlined above.

**Q: If my client booked a BusinessFlex or PremiumFlex fare combined with a non-refundable fare, how will the refund be processed?**

A: If your client has a ticket that combines a refundable J or W class service and another non-refundable class of service, only the J or W coupons will be refunded to original form of payment. The remaining coupons will remain in open status for future exchanges. If the ticket includes a United States or United Kingdom origin or destination, the full ticket can be requested for refund.

**Q: Will there be a penalty fee for refunding?**

A: For tickets that have been impacted by COVID-19 and include a United States or United Kingdom origin or destination, the full ticket can be requested for a full refund without a penalty. For refundable J and W fares, the penalty will be charged based on the fare rules. If a penalty fee is applicable, it will be deducted from the full amount of the fare/tax refund. If no penalty fee is applicable, the full amount of the fare/taxes will be refunded.

**Q: Will the refund include taxes?**

A: If the taxes are refundable as per standard tax rules, they will be included with the refund.

**Certificate of Service**

I hereby certify that I have, this 17<sup>th</sup> day of June 2020 caused a copy of the foregoing Complaint to be served by electronic mail on the following persons:

Don Hainbach, Esq.	dhainbach@ggh-airlaw.com
Kimberly Graber, Esq.	kimberly.graber@dot.gov
Blane Workie, Esq.	blane.workie@dot.gov
Robert Gorman, Esq.	robert.gorman@dot.gov

/s/

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Dr. Chance Finegan