

SAURABH A. DESAI
REQUEST REFUND OF CANCELLED FLIGHTS

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

-----)
)
SAURABH DESAI, ESQ (inactive status).,)
third-party complainant)
v.) Docket DOT-OST-2020-____
)
LATAM Airlines Group S.A.)
)
-----)

COMPLAINT OF SAURABH DESAI

Comments with respect to this document should be addressed to:

SAURABH DESAI, ESQ.
2262 EAGLES NEST DRIVE, LAFAYETTE, CO 80026
E-mail: DESAI0304@GMAIL.COM

Dated: JUNE 27, 2020

SAURABH A. DESAI
REQUEST REFUND OF CANCELLED FLIGHTS

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

)	
)	
SAURABH DESAI, ESQ.)	
third-party complainant)	
v.)	Docket DOT-OST-2020-_____
)	
LATAM Airlines Group S.A.)	
)	
)	

COMPLAINT OF SAURABH DESAI

1. This complaint arises out of LATAM Airlines cancelling flights and refusing to provide a refund in a timely manner.

I. FACTS

A. Booking

2. On or about February 5, 2020, I booked a Round Trip ticket for travel from DEN (Denver, CO USA) to CUZ (Cusco, Peru).

3. Total cost was \$944.87. (\$930.87 + \$14.00)

4. Due to COVID-19 and associated airport and border closures, the airline was unable to deliver the service paid for as the main international airport in Lima, Peru was closed.

5. Screen shot from my credit card statement below.

SAURABH A. DESAI
REQUEST REFUND OF CANCELLED FLIGHTS

Feb 5	LAN AIR 04545774039166HOUSTONTX TK#: 04545774039166 PSGR: DESAI/SAURABH ASHVIN ORIG: CUZ, DEST: LIM CARRIER: LA SVC: Y ORIG: LIM, DEST: MCO CARRIER: LA SVC: Y	\$14.00
Feb 5	LAN AIR 04574973166002HOUSTONTX TK#: 04574973166002 PSGR: DESAI/SAURABH ASHVIN ORIG: DEN, DEST: LAX S/O: X CARRIER: UA SVC: V ORIG: LAX, DEST: LIM S/O: X CARRIER: LA SVC: V ORIG: LIM, DEST: CUZ S/O: O CARRIER: LA SVC: V ORIG: CUZ, DEST: LIM S/O: X CARRIER: LA SVC: S	\$930.87

B. Cancellation

6. LATAM Airlines Group S.A. cancelled my flights under the above booking.

C. Current Status

7. Despite multiple attempts to reach the airline requesting status of a refund over the past five weeks, I have been unable to determine whether a refund was issued and if not, what the date of the refund and associated credit on my CAPITAL ONE MasterCard would be.

II. LEGAL ANALYSIS

A. Explain applicable DOT regulation

8. DOT rule [Title 14 Chapter II Subchapter D Part 374] requires:

That when an airline cancel a flight, whether because of a coronavirus public health emergency, a winter storm, a hurricane, mechanical issue or other matter, passengers are eligible for a refund regardless if they have a nonrefundable ticket, including restrictive basic economy tickets. **The refund**

must be processed within seven (7) business days if the customer paid by credit card.

B. Apply DOT regulation to situation at hand

9. The flights in question were scheduled to originate on May 21, 2020.
10. It has been thirty eight (38) days with no refund posted to my credit card account.
11. I ask that the Department of Transportation:
 - (1) Exercise its authority under 49 USC 41712 to open an investigation of LATAM Airlines Group S.A. for having engaged in the unfair or deceptive practices described above;
 - (2) Order LATAM Airlines Group S.A. to provide to the DOT and to me all notes, PNR annotations, call recordings, credit card dispute records, and other materials prepared by its systems and its staff in the course of the discussions herein;
 - (3) Order LATAM Airlines Group S.A. to comply with applicable DOT regulations;
 - (4) Order LATAM Airlines Group S.A. to refund me in the amount of \$944.87 for the tickets purchased on February 5, 2020 + 250.00 compensatory damages in filing this complaint. **Total amount requested: \$1,194.87.**
 - (5) Require LATAM Airlines Group S.A. to search its records for other customers similarly situated, including those who complained about not receiving refunds for cancelled flights and require LATAM Airlines

SAURABH A. DESAI
REQUEST REFUND OF CANCELLED FLIGHTS

Group S.A. to provide the details of such customers and complaints to
DOT; and

(6) Impose appropriate civil penalties on LATAM Airlines Group S.A..

Respectfully submitted,

/s/

SAURABH DESAI, ESQ.

SAURABH DESAI, ESQ.

SAURABH A. DESAI
REQUEST REFUND OF CANCELLED FLIGHTS

Attachment 1

Feb 5	LAN AIR 04545774039166HOUSTONTX TK#: 04545774039166 PSGR: DESAI/SAURABH ASHVIN ORIG: CUZ, DEST: LIM CARRIER: LA SVC: Y ORIG: LIM, DEST: MCO CARRIER: LA SVC: Y	\$14.00
Feb 5	LAN AIR 04574973166002HOUSTONTX TK#: 04574973166002 PSGR: DESAI/SAURABH ASHVIN ORIG: DEN, DEST: LAX S/O: X CARRIER: UA SVC: V ORIG: LAX, DEST: LIM S/O: X CARRIER: LA SVC: V ORIG: LIM, DEST: CUZ S/O: O CARRIER: LA SVC: V ORIG: CUZ, DEST: LIM S/O: X CARRIER: LA SVC: S	\$930.87

SAURABH A. DESAI
REQUEST REFUND OF CANCELLED FLIGHTS

Certificate of Service

I hereby certify that I have, this 27th day of JUNE caused a copy of the foregoing Complaint to be served by electronic mail on the following persons:

Edificio Huidobro
Customer Service, LATAM

GrupoTesoreriaPagosChile_2@lanchile.com
customer_service@cc.lan.com

Richard J. Cooper
Lisa M. Schweitzer
Luke A. Barefoot
Thomas S. Kessler

rcooper@cgsh.com
lschweitzer@cgsh.com
lbarefoot@cgsh.com
tkessler@cgsh.com

Kimberly Graber, Esq.
Blane Workie, Esq.
Robert Gorman, Esq.

kimberly.graber@dot.gov
blane.workie@dot.gov
robert.gorman@dot.gov

/s/

SAURABH DESAI, ESQ.

SAURABH DESAI, ESQ.