

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

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)
Andrew Westphal,)
)
v.) Docket DOT-OST-2020-____
)
Air Canada)
)
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COMPLAINT OF ANDREW WESTPHAL

Comments with respect to this document should be addressed to:

Andrew Westphal
227 S Maple Glade Circle
The Woodlands, Texas, USA.
77382-1429

E-mail: awestphal@gmail.com

Dated: August 7, 2020

BEFORE THE DEPARTMENT OF TRANSPORTATION
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS
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COMPLAINT OF ANDREW WESTPHAL

1. This complaint arises out of Air Canada’s non-compliance with the Department’s rules regarding consumers’ right to be refunded for flights to or from the United States (“U.S. 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 (“Enforcement Notice”).
2. This complaint also arises out of Air Canada’s application of its refund policies, which constitutes an unfair or deceptive practice within the meaning of 49 U.S.C. § 41712². According to 14 CFR § 399.80(1)(l), it is the policy of the Department to regard as an unfair or deceptive practice or unfair method of competition the practices enumerated

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 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.

in paragraphs (a) through (n) of this section by a ticket agent of any size and the practice enumerated in paragraph(s) by a ticket agent that sells air transportation online and is not considered a small business under the Small Business

Administration's size standards set forth in 13 CFR 121.201:

(l) Failing or refusing to make proper refunds promptly when service cannot be performed as contracted or representing that such refunds are obtainable only at some other point, thus depriving persons of the immediate use of the money to arrange other transportation, or forcing them to suffer unnecessary inconveniences and delays or requiring them to accept transportation at higher cost, or under less desirable circumstances, or on less desirable aircraft than that represented at the time of sale.

FACTS

A. Flight cancelled by Air Canada

3. On February 15, 2020, I purchased a ticket for a one-way flight on Air Canada from Montreal (YUL) to Houston (IAH) departing on May 20, 2020 (Attachment 1).
4. On April 9, 2020, I learned that my flight was cancelled by Air Canada (Attachment 2).
5. On , I contacted Air Canada to request a refund for the cancelled flight, but my request was denied. I was not provided a voucher or a refund.
6. I had booked the flight on behalf of 2 person(s). The name(s) of the individual(s) are the following: Gillian Westphal.

B. Air Canada's refund policy for cancelled flights

7. 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 4 and 5).

C. Air Canada’s obligations

8. Air Canada is an airline that operates flights from and to the United States and is therefore subject to the Department’s jurisdiction for such flights 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.
9. In its Enforcement Notice, and based on existing federal regulation, the Department reminds airlines about their obligation to offer prompt refunds for flights significantly delayed or cancelled by the carriers, even if the reason of such flight disruptions are outside the carrier’s control, and regardless of the nonrefundability or cancellation penalty provisions of the ticket purchased by the affected consumers.
10. 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.

11. 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

12. Air Canada's policy of not issuing prompt refunds for U.S. Flights that are significantly delayed or cancelled by the carrier for reasons outside its control, and regardless of the nonrefundability and cancellation penalty provisions of the purchased ticket, is in direct violation of its obligation to offer prompt refunds to affected consumers as per the rules detailed in the Department's Enforcement Notice.
13. Before March 19, 2020 (Attachments 6), 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 7A, 7B and 8). 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.

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.

14. The aforementioned no-refund policy is applied by Air Canada regardless of the policies and terms in place at the time consumers purchased flight tickets, which stipulate that Air Canada will issue refunds for cancelled flights. Air Canada's policy constitutes an unfair or deceptive practice within the meaning of 49 U.S.C. § 41712.
15. According to 14 CFR § 399.80(1)(l), it is the policy of the Department to regard as an unfair or deceptive practice or unfair method of competition the practices enumerated in paragraphs (a) through (n) of this section by a ticket agent of any size and the practice enumerated in paragraph(s) by a ticket agent that sells air transportation online and is not considered a small business under the Small Business

Administration's size standards set forth in 13 CFR 121.201:

(l) Failing or refusing to make proper refunds promptly when service cannot be performed as contracted or representing that such refunds are obtainable only at some other point, thus depriving persons of the immediate use of the money to arrange other transportation, or forcing them to suffer unnecessary inconveniences and delays or requiring them to accept transportation at higher cost, or under less desirable circumstances, or on less desirable aircraft than that represented at the time of sale.

16. 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 situation if other airlines, such as Air Canada are allowed to continue practices that violate the same obligations without incurring any penalty.

REQUESTED RESOLUTION

17. I am seeking the airline provide me with an Refund. In addition, I ask that the Department of Transportation to do the following:

- (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 offer prompt full refunds to original form of payment for U.S. flights that are significantly delayed or cancelled by the carrier, regardless of the reason of such flight disturbances and regardless of the nonrefundability or the cancellation penalty of the tickets purchased by affected customers.
- (3) Order Air Canada to:
 - a. contact, in a timely manner, the passengers provided vouchers for U.S. Flights significantly delayed or cancelled by the carrier 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 prompt refunds to passengers if the carrier cancels a U.S. Flight or makes a significant schedule change, regardless of the reason of such flight disruptions and regardless of the nonrefundability or the cancellation penalty provisions of the tickets purchased by the affected customers;
 - 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.

Andrew Westphal
Complaint – Air Canada

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew Westphal', written in a cursive style.

Andrew Westphal

Attachment 1

Copy of flight itinerary/eticket receipt

Andrew Westphal
Complaint – Air Canada



Booking Confirmation



Booking Reference: **WYH8WA**

Date of issue: 15 Feb, 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

Wednesday
20 May, 2020

17:50
Montréal
Montréal-Trudeau Int.(YUL),
Quebec



20:55
Houston
G. Bush Intercontinental
(IAH),
Terminal A

AC7685

4hr05
Economy T
Operated by: Air Canada Express - Sky
Regional | **E175** | **Wi-Fi**
Food for purchase on board

Passengers

Andrew Westphal

Ticket number
0142127941417

Seats

AC7685 -

Gillian Westphal



Ticket number
0142127941416

Seats

AC7685 -

Andrew Westphal Complaint – Air Canada

Purchase summary

MasterCard *****5468 Amount paid: \$732.22 Tax information GST no. 10009-2287 RT0001 \$30.68 QST no. 1000043172 TQ1991 \$4.52	2 adults
 Air transportation charges	
Base fare (including U.S. Transportation Tax) - Economy - Standard	295.60
 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
Flight Segment Tax - United States	4.30
Air Travellers Security Charge - Canada	9.13
Goods and Services Tax - Canada - 100092287 RT0001	15.34
Quebec Sales Tax - Canada - 1000043172 TQ1991	2.26
Airport Improvement Fee - Canada	22.63
Total before options (per passenger)	\$366¹¹
Number of passengers	X 2
GRAND TOTAL (US dollars)	\$732²²

Check-in and boarding gate deadlines

Within Canada	To/From the U.S.	
90 minutes	120 minutes	Recommended check-in time You should check in no later than the times indicated at left. This will ensure you have plenty of time to check in, drop off your checked bags and pass through security.
45 minutes ¹	60 minutes	Check-in and baggage drop-off deadline You must have checked in, obtained your boarding pass and deposited all checked bags at the baggage drop-off counter before the end of the check-in period for your flight.
15 minutes	15 minutes	Boarding gate deadline You must be present at the boarding gate before it closes.

1. From Toronto City Airport (YTZ) - Check-in and baggage drop-off deadline: 20 minutes.



Baggage allowance

Carry-on baggage

On flights operated by Air Canada, Air Canada Rouge or Air Canada Express, you may carry with you in the cabin 1 standard item (max. size: 23 x 40 x 55 cm [9 x 15.5 x 21.5 in]) and 1 personal item (max. size: 16 x 33 x 43 cm [6 x 13 x 17 in]). Your carry-on baggage must be light enough that you can store it in the overhead bin unassisted. [See our complete carry-on baggage policy.](#)

Checked baggage

Please see below for details on the bags you plan on checking at the baggage counter.

Montréal (YUL) > Houston (IAH)		
 1st bag \$ 23.76 USD Including taxes	 2nd bag \$ 39.61 USD Including taxes	Max. weight per bag: 23 kg (50 lb) Max. dimensions per bag: 158 cm (62 in)

* For travel within Canada or between Canada and the United States, a Canadian tax of \$3.00 CAD may apply to baggage fees. For travel between Canada or the United States and Mexico, the Dominican Republic and Barbados, an applicable local sales tax of \$4.00 CAD may apply to baggage fees. For all other itineraries to/from Mexico, the Dominican Republic and Barbados as well as itineraries to/from South America, an applicable local sales tax of \$21.00 CAD may apply to baggage fees. All above tax amounts are based on the maximum applicable tax amounts per itinerary type. Actual amounts may vary and will be charged in the currency used in your departure airport. Tax amounts are subject to change without notice by local government.

Currency

Fee amounts are displayed in the currency of the first departure city on your ticket. On the day of travel, applicable fees will be assessed in the local currency of the country/region you are travelling from. Certain exceptions may apply where the departure airport does not charge in local currency. The currency exchange rate will be determined by the date of travel.

Stopovers






Checked baggage fees may be reassessed when itineraries include an enroute stopover of more than 24 hours.

Note: If you **exceed your baggage allowance** (in number, size and/or weight), additional checked baggage charges will apply. The policy and fees will be those of the carrier identified in the checked baggage information section.

- View [Air Canada's additional checked baggage policy](#).
- View the [additional checked baggage policy of Air Canada's codeshare and interline partners](#).

Fare Rules

Economy - Standard

	Changes	Departing flight <ul style="list-style-type: none">• Before departure of first flight<ul style="list-style-type: none">- Ticket reissue is allowed but may be subject to certain restrictions. Please refer to the link above for complete fare rules.- Penalty fee for ticket reissue between \$0 USD - \$75 USD- New travel dates must be prior to Monday, 15 Feb, 2021- The maximum change fee applied is \$75 USD per direction, per passenger, plus any applicable taxes and fare difference. Child/Infant discounts may apply.• After departure of first flight<ul style="list-style-type: none">- Ticket reissue is not allowed.• Flights can only be used in sequence from the place of departure specified on the itinerary.• Failure to show up for your flight (No Show) may result in a penalty. Please see the complete fare rules for details.
	Cancellations	<ul style="list-style-type: none">• Tickets are non-refundable and are non-transferable.• Partially used tickets may be submitted for a refund assessment. The refund will be calculated as follows: Actual fare paid minus the value of the portion of the journey that has been flown and minus the applicable fee.• Cancellations can be made up to 45 minutes prior to departure.• View Air Canada's refund policy.
	Minimum stay	<ul style="list-style-type: none">• There is no maximum or minimum day stay associated with this fare.
	Maximum stay	<ul style="list-style-type: none">• There is no maximum or minimum day stay associated with this fare.
	Aeroplan	<ul style="list-style-type: none">• 25% Aeroplan Miles for flights within Canada• 50% Aeroplan Miles for flights between Canada and the U.S.• The equivalent in Altitude Qualifying Miles• For all flights operated by Air Canada, Air Canada Express and Air Canada Rouge

Disclaimer: The fare rules displayed above are for adult passengers only. Different rules may apply for children and infant passengers.

Attachment 2

Confirmation/notice that a flight in your reservation has been cancelled by the airline.

6/27/2020

Gmail - Air Canada - 20 May: Montréal - Houston (Booking Reference: WYH8WA) - Your booking has been cancelled



Andy Westphal <awestphal@gmail.com>

Air Canada - 20 May: Montréal - Houston (Booking Reference: WYH8WA) - Your booking has been cancelled

1 message


Air Canada <confirmation@aircanada.ca>
To: awestphal@gmail.com

Thu, Apr 9, 2020 at 3:30 PM

Your booking has been cancelled.

Booking Reference: **WYH8WA**

Date of issue: 09 Apr, 2020



 **ANDREW WESTPHAL**
Ticket number: 0142130200680
Passengers

 **GILLIAN WESTPHAL**
Ticket number: 0142130200681
Passengers

Involuntary Cancellation

For flights cancelled due to COVID-19, Air Canada retains the balance of your ticket for future travel within 24 months of your flight cancellation date. If you already started your journey with us, only the remaining unflown segments of your ticket will be retained. If you have purchased seats or travel options, the amount paid can only be used for future purchase of seats or travel options when rebooking your flight.

Please ensure that you hold on to your ticket number (starting with 014), which can be found in your original booking itinerary. When you are ready to travel again, please call us at 1-888-247-2262, with your ticket number, to book your future flight. Remember, future travel using your travel credit must be completed within 24 months from the date your flight was cancelled.

SUMMARY		2 adults
	Air Transportation Charges (Including Surcharges and U.S. Transportation Tax)	591.20
	Taxes, fees and charges	141.02
Total amount paid - Canadian dollars		\$732²²

 CANADA, U.S.: 1 (888) 247-2262  Air Canada - A star alliance member



Andrew Westphal Complaint – Air Canada

6/27/2020

Gmail - Air Canada - 20 May: Montréal - Houston (Booking Reference: WYH8WA) - Your booking has been cancelled



To ensure delivery to your inbox, please add confirmation@aircanada.ca to your address book's safe sender list. This service email was sent to you because you purchased an Air Canada flight. It provides important flight information that must be communicated to you. This service email is not a promotional email. Please do not reply to this email as this inbox is not monitored. If you have questions, please visit aircanada.com.

Your privacy is important to us. To learn how Air Canada collects, uses and protects the personal information you provide, please view our [Privacy Policy](#).

Air Canada, P.O. Box 64239, RPO Thomcliffe, Calgary Alberta, T2K 6J7

Attachment 3

Proof of communication that the Airline denied your request for a refund.

Andrew Westphal
Complaint – Air Canada

6/27/2020

Gmail - RK2020050996 - (ANDREW WESTPHAL) EB0221 AC:000250000007268



Andy Westphal <awestphal@gmail.com>

RK2020050996 - (ANDREW WESTPHAL) EB0221 AC:000250000007268

1 message

Customer Care <CustomerCare.serviceclient@aircanada.ca>
To: Andrew Westphal <AWESTPHAL@gmail.com>

Wed, Jun 3, 2020 at 12:23 PM

Your case number is: CAS-2768179-R8X5N5

Dear Mr. Westphal,

Thank you for reaching out to us and letting me know about your and Mrs. Westphal's cancelled trip. I can understand how disappointing this would be.

These are unprecedented times globally Mr. Westphal, and particularly for the airline industry which is experiencing the most profound crisis in its history. In response, airlines have changed everything about how they operate, from massive workforce reductions, and the grounding of entire fleets, to changes in the products and services customers have come to expect.

We realize that COVID-19 has disrupted the plans of travelers worldwide Mr. Westphal, and our priority is to ensure that our customers have options with a flexible re-booking policy. Air Canada is offering all of our customers whose travel was cancelled due to the COVID-19 crisis, including those with non-refundable tickets, the option to keep the remaining value of the ticket for future travel with no expiry date.

You will be able to access our new cancellation options including the Air Canada Travel Voucher and Aeroplan Miles via My Bookings at [aircanada.com](https://www.aircanada.com)

Bookings made directly through Air Canada channels (including [aircanada.com](https://www.aircanada.com), the Air Canada Mobile App, and our Contact Centres) or Kayak, Google Flights, and Skyscanner with tickets purchased up to Jun 30, 2020, for travel dates between March 1, 2020, up to and including June 30, 2021, will be eligible as of:

- June 1, 2020, for all active bookings opting to cancel via My Bookings
- June 15, 2020, for all future travel credits opting to cancel via My Bookings

You can find more information regarding these options at:

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

Our policy of offering the remaining value of the ticket for future travel is not only consistent with how major airlines are managing this unique situation, but it is also in line with our publicly published tariff rules. Our policy states that in the case of uncontrollable cancellations, the airline's responsibility is to provide alternate travel

Andrew Westphal
Complaint – Air Canada

6/27/2020

Gmail - RK2020050996 - (ANDREW WESTPHAL) EB0221 AC:000250000007268

options (as opposed to refunds), at the end of the event that caused the cancellation.

This is also consistent with the Canadian Transportation Agency Mr. Westphal, which recently confirmed in a statement regarding COVID-19, the appropriateness of offering the remaining value of the ticket for future travel due to this unprecedented situation. This statement can be found here:

<https://otc-cta.gc.ca/eng/statement-vouchers>

We realize you may disagree and view this approach as inconsistent with the US DOT's Enforcement Notice. However, we believe that our position is consistent with US law having examined this question in depth.

Customers with refundable tickets who prefer to receive a refund can do so. However, the usual fare rules of their ticket would apply, which means that a portion of the fare may be non-refundable. Should you have a refundable ticket, please have your booking agent contact us or visit <http://www.aircanada.com> and click on the 'My Bookings' tab to process the refund.

We apologize for the inconvenience that this has caused Mr. Westphal, and hope for a future opportunity to welcome the both of you onboard.

Sincerely,
Helen Gaulin
Customer Relations



To serve you best, I kindly ask that you do not change the subject line if responding to this email.

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

From: AWESTPHAL@GMAIL.COM

Sent: 2020/05/28 10:58 AM

Subject: RK2020050996 - (ANDREW WESTPHAL) EB0221

Attachment 4

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 5

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 6

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 7A

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 7B

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

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To/From Israel	Yes	21 days
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Attachment 8

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

not 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

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. Add ACUSKEDCHG + flight number in waiver code field.	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.	

Version 4: May 7, 2020

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

Additional Attachments

Certificate of Service

I hereby certify that I have, this 07 day of August 2020 a copy of the foregoing Complaint to be served by electronic mail on the following persons:

Kimberly Graber, Esq.	kimberly.graber@dot.gov
Blane Workie, Esq.	blane.workie@dot.gov
Robert Gorman, Esq.	robert.gorman@dot.gov

Anita Mosner, Esq	Anita.Mosner@hklaw.com
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Andrew Westphal