

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

Cynthia Norwood,
Third-party Complainant,

vs.

Delta Air Lines, Inc.

Docket DOT-OST-2020-0128

ANSWER OF DELTA AIR LINES, INC. TO THIRD-PARTY COMPLAINT

Communications with respect to this document should be sent to:

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August 24, 2020

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ANSWER OF DELTA AIR LINES, INC. TO THIRD-PARTY COMPLAINT

Pursuant to 14 C.F.R. § 302.405(a), Delta Air Lines, Inc., (“Delta”) answers the above-captioned third-party complaint and, for the reasons set forth herein, urges the Department to dismiss the complaint without further investigation or action.¹

Complainant makes a litany of allegations, but they can essentially be distilled to three assertions:

- (1) Delta cancelled her scheduled flight from YHZ to SEA.
- (2) Complainant requested a refund from Delta, which Delta denied.
- (3) Delta has a “no-refund” policy under which it does not issue refunds upon request to customers whose flights have been cancelled by Delta.

Of the three allegations, only the first is accurate. Delta did indeed cancel complainant’s flight, as well as thousands of other flights as a result of the global pandemic. Complainant’s remaining allegations are false.

¹ The caption on the complaint erroneously identifies Delta as “Delta Airlines.” Delta corrects that error in the caption to this answer. Additionally, Delta notes that it was never served with the complaint. Although complainant’s failure to complete service technically relieves Delta of an obligation to respond, Delta hereby files this answer nonetheless.

First, at all times, Delta's policy has been to issue refunds to any customer who requests one if Delta has cancelled the flight. Since March 1, 2020, Delta has issued over \$2.25 billion in refunds for over 4.9 million tickets. When a flight is cancelled, Delta automatically issues an eCredit (i.e., a voucher) to the customer. The customer may keep the credit or, if she chooses, request a refund instead. See Exhibit A (page from Delta.com that advises of refund option). Thus, complainant's allegation that Delta is applying a "no-refund policy" to flights it has cancelled is patently false. Complaint ¶ 14.

As to complainant's particular reservation, Delta has no record of her ever contacting Delta to request a refund. In the complaint, she alleges, "On July 23, 2020, I contacted Delta Airlines [sic] to request a refund for the cancelled flight, but my request was denied. I was offered a Voucher/credit[.]" Id. ¶ 5 and Complainant's Attachment 3. (Complainant's Attachment 3 is printed in very small typeface, to the point of being illegible. Delta has attached an enlarged version hereto as Exhibit B.) Review of the attachment reveals that complainant never contacted Delta at all, as she alleges, but rather contacted an individual who appears to have been acting as a travel agent.² Exhibit B. Delta is not in a position to comment on the actions taken or information possessed by this particular travel agent. It is unclear to Delta whether the agent misunderstood Delta's policy -- or whether the agent even actually contacted Delta, as she represented to complainant. But the fact remains: Delta has no record of the complainant, or anyone else on her behalf, contacting Delta to request a refund; in fact, Delta did not become aware of Ms. Norwood's concerns regarding her cancelled flight until August 10, when Delta discovered Ms. Norwood's Complaint posted on the commonly used airline

² The e-mail is from a "Jennifer MacDonald" to complainant. Exhibit B. Delta has no record of this person in its employ. The e-mail itself does not come from a Delta e-mail account. And the individual began the e-mail, "I followed up with the supplier" Id. The reference to Delta as a "supplier" indicates that this person was a travel agent, not a Delta employee.

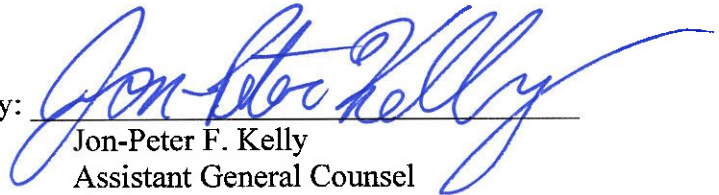
regulatory information hub, airlineinfo.com Ms. Norwood has provided no evidence that such a request ever reached Delta, or that Delta ever denied such a request.

Finally, we note that, once Delta became aware of the complaint, we proactively processed refunds for all the tickets in complainant's reservation. See Exhibit C (copies of refund confirmations for the four customers in complainant's party). We humbly suggest that complainant could have gotten the same result if she had merely submitted a refund request to Delta, rather than filing a formal complaint. Nonetheless, now that the refunds have been issued, the dispute is moot.

WHEREFORE, Delta Air Lines, Inc., respectfully requests that the Department dismiss the above-captioned third-party complaint without further investigation or action.

Respectfully submitted,

By:



Jon-Peter F. Kelly
Assistant General Counsel
Delta Air Lines, Inc.
Department 981
1030 Delta Boulevard
Atlanta, Georgia 30354-1989
Tel: (404) 714-5631
Fax: (404) 677-2971
Email: jonpeter.f.kelly@delta.com

Dated: August 24, 2020

EXHIBIT A

Confirm Refund Experience

To best meet your refund needs, please review the following options before proceeding:

CANCEL FLIGHT

Cancel your flight to receive an **eCredit** if you no longer wish to travel and have not done so yet.

Once you have an eCredit, if your flight has been significantly delayed or canceled by Delta you may return to this Cancel and Refund Form to request a refund.

REQUEST REFUND

Request a refund if:

- You experienced a downgrade of service, or
- Your flight was significantly delayed or canceled by Delta and:
 - You have an **eCredit** from that flight, or
 - You are requesting a refund for purchased seat product, Priority Boarding, or Mileage Booster

If you have previously submitted a request, rest assured we are processing them as quickly as possible and you will be contacted via email once processed.

CANCEL FLIGHT

REQUEST REFUND

EXHIBIT B



Thanks again for your patience, Cindy and Denise.

I followed up with the supplier and because the cancellation of the flight was a Covid19 related flight suspension, unfortunately there is no option for a refund. The terms of the Future Travel Credit are below. Please let me know if you'd like for me to go ahead and cancel or if you have any questions. Please note that I am in the office tomorrow(Thursday) until 5pm but will be on vacation after that, not returning until August 4th. I can certainly help upon my return but for the Los Angeles to Halifax flight cancellation options, cancellation must be completed by July 31st. Any agent at Selloffvacations will be able to assist in my absence.

Halifax to Seattle flight cancellation - Future Travel Credit terms. VM7JIN2

- Future Travel Credit - for travel completed by Sept 30, 2022. Change fee is waived. Guest must pay any difference in fare.

Los Angeles to Halifax flight cancellation - Future Travel Credit terms. VNH4XW

Must be cancelled before 31July. Can be used until 24 months from original ticket issue date so travel must be completed by 26dec21. Change fee is waived. Guest must pay any difference in fare.

EXHIBIT C

From: Delta Air Lines <DeltaAirLines@t.delta.com>
Sent: Monday, August 10, 2020 7:52 PM
To: [REDACTED]
Subject: Your Delta Refund Confirmation Is Enclosed



Hello, Cynthia Mrs

REFUND CONFIRMATION

CYNTHIA MRS NORWOOD

Refund Confirmation for Psgr: CYNTHIA MRS NORWOOD

Retain this refund confirmation for your records.

Refund Confirmation Information

Ticket

Refund Number: 0060792391698 | Issued 08/10/20

The amount 295.31 CAD has been refunded to VI ***4073**

Document submitted for refund: 0063676288947

****See Refund Information Below**

	Amount
Ticket Value:	295.31 CAD
Portion Flown/Used:	
Cancellation Fee:	0.00 CAD

Total Refund Amt:	295.31 CAD
Base Fare:	194.00 CAD
Tax:	101.31 CAD

Flight Segments:

Flight #	Depart	Arrive
7119	YHZ	YYC
4517	YYC	SEA

****Refund Information:**

Your Refund has been processed. Refund eligibility and amounts are based on the rules of the fare purchased or SkyMiles program Ticket Rules. All applicable cancellation or other fees have been applied.

Additional Information:

Credit Card Refunds could take up to two billing cycles to appear on your credit card account. Refunds for eligible tickets purchased with cash or check will be processed within 30 business days. Retain this refund confirmation for your records.

Questions About Your Refund?

For questions, please see [Refunds FAQs](#).

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BOOK A VACATION PACKAGE >

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- [Claim restrictions](#), including time periods within which you must file a claim or bring an action against us
- Our right to [change terms](#) of the contract
- [Check-in requirements](#) and other rules establishing when we may [refuse carriage](#)
- Our rights and limits of our liability for [delay or failure to perform service](#), including schedule changes, substitution of alternative air carriers or aircraft, and rerouting
- Our policy on [overbooking flights](#), and your rights if we deny you boarding due to an oversold flight

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From: Delta Air Lines <DeltaAirLines@t.delta.com>
Sent: Monday, August 10, 2020 7:52 PM
To: [REDACTED]
Subject: Your Delta Refund Confirmation Is Enclosed



Hello, Cynthia Mrs

REFUND CONFIRMATION

CYNTHIA MRS NORWOOD

Refund Confirmation for Psgr: DENISEJANE MRS WILLIAMS

Retain this refund confirmation for your records.

Refund Confirmation Information

Ticket

Refund Number: 0060792391700 | Issued 08/10/20

The amount 295.31 CAD has been refunded to VI ***4073**

Document submitted for refund: 0063676288949

****See Refund Information Below**

Amount	
Ticket Value:	295.31 CAD
Portion Flown/Used:	
Cancellation Fee:	0.00 CAD

Total Refund Amt:	295.31 CAD
Base Fare:	194.00 CAD
Tax:	101.31 CAD

Flight Segments:

Flight #	Depart	Arrive
7119	YHZ	YYC
4517	YYC	SEA

****Refund Information:**

Your Refund has been processed. Refund eligibility and amounts are based on the rules of the fare purchased or SkyMiles program Ticket Rules. All applicable cancellation or other fees have been applied.

Additional Information:

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- [Claim restrictions](#), including time periods within which you must file a claim or bring an action against us
- Our right to [change terms](#) of the contract
- [Check-in requirements](#) and other rules establishing when we may [refuse carriage](#)
- Our rights and limits of our liability for [delay or failure to perform service](#), including schedule changes, substitution of alternative air carriers or aircraft, and rerouting
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From: Delta Air Lines <DeltaAirLines@t.delta.com>
Sent: Monday, August 10, 2020 7:52 PM
To: [REDACTED]
Subject: Your Delta Refund Confirmation Is Enclosed



Hello, Cynthia Mrs

REFUND CONFIRMATION

CYNTHIA MRS NORWOOD

Refund Confirmation for Psgr: PAULLEAMUND MR WILLIAMS

Retain this refund confirmation for your records.

Refund Confirmation Information

Ticket

Refund Number: 0060792391701 | Issued 08/10/20

The amount 295.31 CAD has been refunded to VI ***4073**

Document submitted for refund: 0063676288950

****See Refund Information Below**

Amount	
Ticket Value:	295.31 CAD
Portion Flown/Used:	
Cancellation Fee:	0.00 CAD

Total Refund Amt:	295.31 CAD
Base Fare:	194.00 CAD
Tax:	101.31 CAD

Flight Segments:

Flight #	Depart	Arrive
7119	YHZ	YYC
4517	YYC	SEA

****Refund Information:**

Your Refund has been processed. Refund eligibility and amounts are based on the rules of the fare purchased or SkyMiles program Ticket Rules. All applicable cancellation or other fees have been applied.

Additional Information:

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Sent: Monday, August 10, 2020 7:52 PM
To: [REDACTED]
Subject: Your Delta Refund Confirmation Is Enclosed



Hello, Cynthia Mrs

REFUND CONFIRMATION

CYNTHIA MRS NORWOOD

Refund Confirmation for Psgr: STEPHENROGER MR NORWOOD

Retain this refund confirmation for your records.

Refund Confirmation Information

Ticket

Refund Number: 0060792391699 | Issued 08/10/20

The amount 295.31 CAD has been refunded to VI ***4073**

Document submitted for refund: 0063676288948

****See Refund Information Below**

Amount	
Ticket Value:	295.31 CAD
Portion Flown/Used:	
Cancellation Fee:	0.00 CAD

Total Refund Amt:	295.31 CAD
Base Fare:	194.00 CAD
Tax:	101.31 CAD

Flight Segments:

Flight #	Depart	Arrive
7119	YHZ	YYC
4517	YYC	SEA

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer has been served electronically this 24th day of August, 2020 upon each of the following persons:

Cynthia Norwood
sindeenorwood@eastlink.ca

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Blane.workie@dot.gov

Kim Graber
Kimberly.graber@dot.gov

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Steven J. Seiden