

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

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)
Gary Odell,)
)
v.) Docket DOT-OST-2020-____
)
WestJet)
)
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COMPLAINT OF GARY ODELL

Comments with respect to this document should be addressed to:

Gary Lee Odell
1310 Southfield Drive
Menasha, WI, United States.
54952

E-mail: gtodell87@gmail.com

Dated: August 27, 2020

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

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Gary Odell,)
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v.) Docket DOT-OST-2020-____
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WestJet)
)
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COMPLAINT OF GARY ODELL

1. This complaint arises out of WestJet’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 WestJet’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

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.

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.

FACTS

A. Flight cancelled by WestJet

3. On December 28, 2019, I purchased a ticket for a one-way flight on WestJet from Milwaukee (MKE) to Vancouver, BC (YVR) departing on August 29, 2020 with a layover in MSP (Attachment 1).
4. On May 7, 2020, I learned that my flight was cancelled by WestJet (Attachment 2).
5. On August 25, 2020, I contacted WestJet to request a refund for the cancelled flight, but my request was denied. I was offered a Voucher/Credit (Attachment 3). I accepted a voucher/credit of \$886.20.
6. I had booked the flight on behalf of 6 person(s). The name(s) of the individual(s) are the following: Tamie Odell, Robert Swichtenberg, Judy Swichtenberg, Mark Pelton, Connie Pelton.

B. WestJet’s refund policy for cancelled flights

7. WestJet’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. WestJet 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 .

C. WestJet’s obligations

8. WestJet 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. WestJet's non-compliance and violations

12. WestJet's current policy is that customers who purchased WestJet flights that included a United States segment that was cancelled by WestJet (UN, UC, or NO), due to WestJet's temporary route suspensions, they will be offering the option for a refund to the original form of payment or will be credited as WestJet dollars, valid for 24 months only if a flight was booked on or after March 3, 2020 (Attachment 4). WestJet acknowledges that these ticket holders are entitled to a refund but wants to delay the refund to an arbitrary date. For ticket holders who purchased a WestJet Vacation package before March 3, 2020 are not entitled to receive full refunds for flights cancelled or changed by the carrier due to reasons outside its control, including

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.

- cancellations attributed to the COVID-19 pandemic. WestJet 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. adheres to their company policy that the full value of the cancelled flight will only be credited to a Travel Bank, valid for 24 months from the date of issue and WestJet Vacation packages will be credited as WestJet dollars, valid for 24 months (Attachment 5), but only if the WestJet Vacation is booked prior to March 3, 2020.
13. WestJet’s policies indicated that some consumers can receive refunds for schedule changes and cancellations attributed to the COVID-19 pandemic if they have booked after March 3, 2020. WestJet’s refund policies for cancellations and schedule changes for consumers who have booked prior to March 3, 2020 are negatively affecting consumers by no longer permitting refunds for bookings made prior to March 3, 2020. The new policy is applied by WestJet 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.
14. The aforementioned no-refund policy is applied by WestJet regardless of the policies and terms in place at the time consumers purchased flight tickets, which stipulate that WestJet will issue refunds for cancelled flights. WestJet’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 WestJet 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 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 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 WestJet 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 WestJet.

Respectfully submitted,

A handwritten signature in black ink that reads "Gary Odell". The signature is written in a cursive, flowing style.

Gary Odell

Attachment 1

Copy of flight itinerary/eticket receipt

Gary & Tamie Odell

From: WestJet <noreply@itinerary.westjet.com>
Sent: Saturday, December 28, 2019 4:03 PM
To: gtodell87@gmail.com
Subject: Your itinerary and receipt - August 29 VANCOUVER BC, CANADA for MR GARY L ODELL
Attachments: Electronic ticket receipt, August 29 for MR GARY L ODELL.pdf; Electronic ticket receipt, August 29 for MRS TAMIE L ODELL.pdf; Electronic ticket receipt, August 29 for MR ROBERT F SWICHTENBERG.pdf; Electronic ticket receipt, August 29 for MRS JUDY V SWICHTENBERG.pdf; Electronic ticket receipt, August 29 for MR MARK M PELTON.pdf; Electronic ticket receipt, August 29 for MRS CONNIE S PELTON.pdf

Be sure to review your booking details and important travel info.
To ensure you receive emails from WestJet, please add us to your address book.



Your itinerary and receipt

Thanks for choosing WestJet! We look forward to welcoming you on board.

WestJet reservation code

CQKITY



WESTJET Flight Number **WS 7297**
Operated by: DELTA AIR LINES INC
CONFIRMED, Confirmation# GVRVH9

Saturday, 29 August

Departure: MKE MILWAUKEE, WI
17:25

Arrival: MSP MINNEAPOLIS ST PL, MN
18:51
TERMINAL 1 - LINDBERGH

Please verify flight times prior to departure

Cabin: Economy
Aircraft: AIRBUS INDUSTRIE A320 JET

Duration: 1 hour(s) and 26 minute(s)
Distance (in Miles): 297

Mr Gary L Odell
Seat(s): Check-In Required

Mrs Tamie L Odell
Seat(s): Check-In Required

Gary Odell
Complaint – WestJet

Frequent Flyer: 2679630844 DELTA AIR LINES INC

Mr Robert F Swichtenberg
Seat(s): Check-In Required

Mrs Judy V Swichtenberg
Seat(s): Check-In Required

Mr Mark M Pelton
Seat(s): Check-In Required

Mrs Connie S Pelton
Seat(s): Check-In Required

[Add to Calendar](#)



WESTJET Flight Number **WS 6387**
Operated by: DELTA AIR LINES INC
CONFIRMED, Confirmation# GVRVH9

Saturday, 29 August

Departure: MSP MINNEAPOLIS ST PL, MN
19:58
TERMINAL 1 - LINDBERGH

Arrival: YVR VANCOUVER BC, CANADA
21:46
MAIN TERMINAL

Please verify flight times prior to departure

Cabin: Economy
Aircraft: BOEING 737-900 JET

Duration: 3hour(s) and 48minute(s)
Distance (in Miles): 1437

Mr Gary L Odell
Seat(s): Check-In Required
Frequent Flyer: 2679630844 DELTA AIR LINES INC

Mrs Tamie L Odell
Seat(s): Check-In Required

Mr Robert F Swichtenberg
Seat(s): Check-In Required

Mrs Judy V Swichtenberg
Seat(s): Check-In Required

Mr Mark M Pelton
Seat(s): Check-In Required

Mrs Connie S Pelton
Seat(s): Check-In Required

[Add to Calendar](#)

[Print Itinerary](#)

Redeem WestJet vouchers and travel bank credits at WestJet.com. [Sign in](#) to your WestJet Rewards account to get started.

Manage trip

[Change flight](#)

[Cancel flight](#)

[Select seats](#)

[Guest info](#)

[Check-in](#)

WestJet and the Canadian Transportation Agency want to make you aware of your rights as a traveller. Visit [Flight and service disruptions](#) for an in-depth explanation.

If you are denied boarding, your flight is cancelled or delayed for at least two hours, or your baggage is lost or damaged, you may be entitled to certain standards of treatment and compensation under the Air Passenger Protection Regulations. For more information about your passenger rights please contact your air carrier or visit the Canadian Transportation Agency's website.

[Passenger rights and flight interruptions.](#)

Payment details

Your eTicket receipt can be found here:
Mr Robert F Swichtenberg: **8382154099418**
Mrs Judy V Swichtenberg: **8382154099419**
Mrs Connie S Pelton: **8382154099421**
Mr Gary L Odell: **8382154099416**
Mrs Tamie L Odell: **8382154099417**
Mr Mark M Pelton: **8382154099420**

We recommend making note of this information for your records as WestJet is only able to access itinerary and purchase details for seven days following the completion of your last flight. If you add this eTicket to your TripCase profile, your reservation and payment detail for this itinerary will be accessible for 13 months after the last flight has been flown.

WestJet Mobile app



Whether you're on the go or ready to go, the WestJet app will get you there. Download the app today to enjoy WestJet Connect on your upcoming flight*. Enjoy hundreds of hours of free streaming content, right on your device.

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[Baggage allowances](#)
[Children, infants and expectant mothers](#)
[Fare options](#)

[Guests with special needs](#)
[ID requirements](#)
[Inflight services](#)
[Seat selection](#)

Important details about your fare

Thank you for choosing WestJet!

Guests flying on WestJet can choose between a range of fares within the Economy, Premium and Business cabins. Each bundle has different inclusions and flexibility.

All guests have **24 hours from time of booking** to cancel without penalty.

If you have purchased a [Basic fare](#) and your intention is to simply travel from A to B without the need to make itinerary changes, please review and understand the restrictions outlined below:

When you choose Basic you are NOT eligible to

- Change or cancel a flight outside the 24-hour window of the original booking, without a total loss of funds
- Make seat selections or changes at the time of booking or at check-in without an additional fee, regardless of status
- Upgrade to a higher cabin at check-in for a fee
- Earn WestJet dollars or apply your fare to qualifying spend

To take advantage of your WestJet Rewards earn and tier benefits with more choice and flexibility, book Econo or EconoFlex. Please refer to the complete [fare rules](#) to compare features of our all fare types.

We look forward to welcoming you on board.



If you have questions regarding your reservation, please contact us at 1-888-937-8538 (1-888-WESTJET). We're available 24 hours a day, 7 days a week. [Calling outside Canada and the U.S.?](#)

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

*Not available on all aircraft

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WestJet, 22 Aerial Place NE, Calgary, AB T2E 3J1, Canada

Attachment 2

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

Gary & Tamie Odell

From: WestJet <flightchange@travelinfo.westjet.com>
Sent: Thursday, May 07, 2020 6:52 PM
To: GTODELL87@GMAIL.COM
Subject: Important changes to your upcoming WestJet flight / Changements importants concernant votre vol de WestJet

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 Gary L Odell,

We're sorry to advise that due to adjustments to our flight schedule, it has been necessary to change or cancel one or more of your WestJet flights.

For your reference, the reservation code is: **CQKITY**

Your previous itinerary:

Flights	Departs	Arrives	Seats
WS 7297 Operated by: Delta	Milwaukee, WI (MKE) August 29, 2020 05:20 PM	Minneapolis - St. Paul, MN (MSP) August 29, 2020 06:47 PM	Information not available
DL 2669 Operated by: Delta	Milwaukee, WI (MKE) August 29, 2020 05:20 PM	Minneapolis - St. Paul, MN (MSP) August 29, 2020 06:47 PM	22D 22E 23E 23D 23C 22C
WS 6387 Operated by: Delta	Minneapolis - St. Paul, MN (MSP)	Vancouver, BC (YVR) August 29, 2020	Information not available

07:59 PM			
DL 1122 Operated by: Delta	Minneapolis - St. Paul, MN (MSP) August 29, 2020 07:59 PM	Vancouver, BC (YVR) August 29, 2020 09:47 PM	27C
			27D
			27E
			27F
			27A
			27B

! Your new itinerary:

Flights	Departs	Arrives	Seats
DL 2669 Operated by: Delta	Milwaukee, WI (MKE) August 29, 2020 05:20 PM	Minneapolis - St. Paul, MN (MSP) August 29, 2020 06:47 PM	22D
			22E
			23E
			23D
			23C
			22C
DL 1122 Operated by: Delta	Minneapolis - St. Paul, MN (MSP) August 29, 2020 07:59 PM	Vancouver, BC (YVR) August 29, 2020 09:47 PM	27C
			27D
			27E
			27F
			27A
			27B

To accept the new itinerary, please click below:

Accept changes

If you need to cancel the new itinerary and request a refund, we are currently refunding the full value of your flight to 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.**

Click here to cancel and learn more about travel bank:

[Cancel and refund](#)

If you prefer to change your new itinerary, please call us at:

1-866-720-0088

[Calling outside Canada and the U.S.?](#)

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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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 Gary L Odell,

Nous avons le regret de vous informer qu'en raison de changements apportés à notre horaire de vols, nous devons modifier ou annuler l'un ou plusieurs des vols WestJet de cet itinéraire.

À titre de référence, le code de réservation est : **CQKITY**

Votre ancien itinéraire :

Vols	Départ	Arrivée	Sièges
WS 7297 Opéré par : Delta	Milwaukee, WI (MKE) 29 août 2020 17 h 20	Minneapolis - St. Paul, MN (MSP) 29 août 2020 18 h 47	Information non disponible
DL 2669 Opéré par : Delta	Milwaukee, WI (MKE) 29 août 2020 17 h 20	Minneapolis - St. Paul, MN (MSP) 29 août 2020 18 h 47	22D 22E 23E 23D 23C 22C
WS 6387 Opéré par : Delta	Minneapolis - St. Paul, MN (MSP) 29 août 2020 19 h 59	Vancouver, BC (YVR) 29 août 2020 21 h 47	Information non disponible
DL 1122 Opéré par : Delta	Minneapolis - St. Paul, MN (MSP) 29 août 2020 19 h 59	Vancouver, BC (YVR) 29 août 2020 21 h 47	27C 27D 27E 27F 27A 27B

! Votre nouvel itinéraire :

Vols	Départ	Arrivée	Sièges
DL 2669 Opéré par: Delta	Milwaukee, WI (MKE) 29 août 2020 17 h 20	Minneapolis - St. Paul, MN (MSP) 29 août 2020 18 h 47	22D
			22E
			23E
			23D
			23C
			22C
DL 1122 Opéré par: Delta	Minneapolis - St. Paul, MN (MSP) 29 août 2020 19 h 59	Vancouver, BC (YVR) 29 août 2020 21 h 47	27C
			27D
			27E
			27F
			27A
			27B

Pour accepter le nouvel itinéraire, cliquez ci-dessous :

Accepter les changements

Si vous avez besoin d'annuler le nouvel itinéraire et demandez un remboursement, nous remboursons présentement le montant entier de votre vol dans une banque de voyage qui est valide pour 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.

Cliquez ici pour annuler et en savoir plus à propos de la banque de voyage :

[Annuler et se faire rembourser](#)

Pour modifier votre nouvel itinéraire, appelez-nous au :

1-855-937-8538

[Vous appelez de l'extérieur du Canada ou des États-Unis?](#)

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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Attachment 3

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

Flexible change or cancellation
There's no fee to change or cancel flights booked before September 30.

[Change/cancel flights online](#) [Flexible change/cancel policy](#)

If you are unable to cancel your flight online, please use [this form](#).

The full value of your cancelled flight will be credited to a [Travel Voucher](#) valid for 24 months from the date of issue.

WestJet Vacation packages booked prior to August 4, 2020 can be cancelled with the value credited as [WestJet dollars](#), valid for 24 months. For bookings after August 4, protect your vacation with the [Travel Protection Plan](#). To request cancellation of a WestJet Vacations package, please [contact us](#) directly.

If you booked through a Travel Agent (online or directly), Corporate Travel arranger, or another airline, please contact them directly.

Attachment 4

Captured on July 5, 2020 from http://docs.airpassengerrights.ca/Airlines/WestJet/2020-06-03--WestJet--refund_policy--US_and_UK.pdf



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.

BSP REFUND PROCESS	2
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
ARC REFUND PROCESS	3
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
FREQUENTLY ASKED QUESTIONS	4

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 begin 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.

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.



2

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	Agencysalessupport@westjet.com
	Cash	Email WestJet to process ACM	TAPaymentservices@westjet.com
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 agencyssalessupport@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.
 - 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.



Attachment 5

Captured on July 5, 2020 from <https://www.westjet.com/en-ca/travel-info/advisories#coronavirus>

There's no fee to change or cancel your flight.

Change/cancel flights online

Flexible change/cancel policy

Call times are high: please call only if your travel is within 72 hours.

If you are unable to cancel your flight online, please use [this form](#).

The full value of your cancelled flight will be credited to a [Travel Bank](#), valid for 24 months from the date of issue. WestJet Vacation packages will be credited as [WestJet dollars](#), valid for 24 months.

To request cancellation of a WestJet Vacations package, please [contact us](#) directly.

If you booked through a Travel Agent (online or directly), Corporate Travel arranger, or another airline, please contact them directly.

Additional Attachments

Additional Information and Justification

Calling to request a refund to the original form of payment for reservation **CQKITY**:

1. The last email communication I received was on May 5th which stated, *"If you would prefer a refund to the original form of payment, we will provide that information at a later date."*
2. Precedent has been set in the fact that the return flight (reservation **CMATZA**), originally scheduled for Sep 5th, was previously refunded to the original form of payment on Feb 25th.
3. Itinerary has changed 5+ times
 - a. Current itinerary contains 6 flights; (2) flights to Minneapolis, (3) to Vancouver, (1) to Seattle
 - b. Unable to determine which flights are legit and which ones aren't
 - c. Most connections are impossible as the connecting flight leaves before previous flight arrives
4. Your June 5th news release stated that WestJet was offering refunds for flights that originated in the US.

WestJet spokesperson Morgan Bell confirmed the update in an email to PAX (Canada's #1 travel trade news source) on Friday (June 5th):

"We have now begun processing refunds to original form of payment for guests holding some international itineraries that were cancelled by WestJet due to the COVID-19 crisis. Guests with eligible tickets who booked directly with WestJet will have the option of changing their flights, receiving the full value of their flight in Travel Bank or accepting a refund to original form of payment.

5. <https://www.westjet.com/en-ca/travel-info/coronavirus>: “ *If you prefer a refund to original form of payment, we will provide information about when that can be requested at a later date.*”

Certificate of Service

I hereby certify that I have, this 27 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

Don Hainbach, Esq.

dhainbach@ggh-airlaw.com

A handwritten signature in black ink that reads "Gary Odell". The signature is written in a cursive, slightly stylized font.

Gary Odell