



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 2<sup>nd</sup> day of August, 2023

**Simon Cyr  
Third-Party Complainant**

**v.**

**Air Transat A.T. Inc.**

**Docket DOT-OST-2020-0054**

**Served August 2, 2023**

**ORDER OF DISMISSAL**

This order concerns a formal complaint by Mr. Simon Cyr against Air Transat A.T. Inc. (Air Transat) dated May 26, 2020. We dismiss the complaint for the reasons set forth in this order pursuant to 14 CFR § 302.406(a)(2).<sup>1</sup>

**Background**

Mr. Cyr filed a formal complaint generally alleging that Air Transat violated 49 U.S.C. § 41712 by refusing to refund flights that the carrier cancelled for reasons related to the COVID-19 pandemic. On June 30, 2020, Air Transat filed an answer, asserting in part that the complaint did not state a claim upon which relief could be granted and that Mr. Cyr lacked standing. The answer also noted that the complaint did not allege that Air Transat had denied Mr. Cyr a refund for a flight to or from the United States that the carrier cancelled or that Mr. Cyr had purchased a ticket for such a flight.

**DOT Enforcement Action Against Air Transat**

On August 2, 2023, the Department's Office of Aviation Consumer Protection (OACP) entered into a consent order with Air Transat, based on a finding that Air Transat had violated Section 41712 and

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<sup>1</sup> 14 CFR 302.406(a)(2), applicable to formal complaints, provides that the Assistant General Counsel has the procedural option to "[i]ssue an order dismissing the complaint in whole or in part, stating the reasons for such dismissal."

14 CFR Part 259 by failing to provide timely refunds for flights to or from the United States that were cancelled by Air Transat and failing to provide timely responses to consumer complaints.<sup>2</sup> Pursuant to that order, Air Transat agreed to the assessment of civil penalties and to cease and desist from future violations.

### **Decision**

While we have taken enforcement action against Air Transat in a separate matter, we dismiss this specific complaint for lack of sufficient evidence in the record that Air Transat committed a violation of U.S. law with respect to Mr. Cyr.<sup>3</sup>

ACCORDINGLY, we dismiss the complaint filed in Docket DOT-OST-2020-0054. This order is issued under authority assigned in 14 CFR 302.406(a)(2) and shall be effective as the final action of the Department within 30 days after service. Copies will be served on Air Transat and the complainant listed above.

**BY:**

**BLANE WORKIE**  
**Assistant General Counsel for**  
**the Office of Aviation Consumer Protection**

*An electronic version of this document is available at [www.regulations.gov](http://www.regulations.gov).*

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<sup>2</sup> See DOT Order 2023-7-10 at docket DOT-OST-2023-0001, available at [www.regulations.gov](http://www.regulations.gov).

<sup>3</sup> See, e.g., DOT Order 2021-6-11, Docket DOT-OST-2020-0053, available at [www.regulations.gov](http://www.regulations.gov) (dismissing formal complaint for lack of evidence that the complainant purchased a flight that had been canceled by the carrier).