



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

Issued by the Department of Transportation
on the 14th day of November, 2022

Complaint of

Habib Hymie Chera

v.

Frontier Airlines

Docket DOT-OST-2020-0184

Served November 14, 2022

ORDER OF DISMISSAL

This order concerns a formal complaint by Mr. Habib Hymie Chera against Frontier Airlines (Frontier) dated September 8, 2020. We dismiss the complaint for the reasons set forth in this order pursuant to 14 CFR § 302.406(a)(2).¹

Background

Mr. Chera’s complaint alleges that the carrier violated 49 U.S.C. § 41712, the statutory prohibition against unfair and deceptive practices, by failing to provide a refund to him for a cancelled flight. Mr. Chera had reservations on Frontier for an April 2020 flight from Newark, New Jersey to West Palm Beach, Florida. Mr. Chera alleges that Frontier “informed [him] through email to cancel our trip due to the COVID-19 pandemic.” Mr. Chera alleges that he should have received a refund for his cancelled flight reservations but did not. In its October 23, 2020 answer, Frontier asserts that no relief is due, that Frontier did not send an email to Mr. Chera instructing him to cancel his trip, and that Mr. Chera cancelled his tickets for the flight when the flight was still scheduled to operate. Frontier further states that Mr. Chera was not entitled to a credit card or cash refund because he had purchased non-refundable tickets, and that Frontier provided credits to Mr. Chera for his voluntarily cancelled flight, in accordance with its Contract of Carriage, and gave him goodwill vouchers as well.

¹ 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.”

OACP had given Mr. Chera the opportunity to provide documents substantiating his allegations but did not receive such documents.

DOT Enforcement Action Against Frontier

On November 14, 2022, the Department's Office of Aviation Consumer Protection (OACP) entered into a consent order with Frontier, based on a finding that Frontier had violated Section 41712 and 14 CFR § 259.5 by failing to provide timely refunds for flights to, from, or within the United States that were significantly changed by Frontier and for failing to provide a functioning system that, for a period of time, negatively impacted the ability of certain Frontier loyalty customers to redeem flight credits.² Pursuant to that order, Frontier agreed to the assessment of civil penalties and to cease and desist from future violations.

Decision

While we have taken enforcement action against Frontier in a separate matter, we dismiss this specific complaint for lack of sufficient evidence in the record that Frontier committed a violation of U.S. law with respect to Mr. Chera.³

ACCORDINGLY, we dismiss the complaint filed in Docket DOT-OST-2020-0184. 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 Frontier 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.

² See DOT Order 2022-11-12 at docket DOT-OST-2020-0001, available at www.regulations.gov.

³ See, e.g., DOT Order 2021-6-2, Docket DOT-OST-2020-0053, available at www.regulations.gov (dismissing formal complaint for lack of evidence that the complainant purchased a flight that had been canceled by the carrier).