



**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**

**Meier Libersohn**

**v.**

**Avianca**

**Docket DOT-OST-2020-0099**

**Served November 14, 2022**

**ORDER OF DISMISSAL**

On July 1, 2020, Mr. Meier Libersohn filed a formal complaint against Avianca, alleging that the carrier violated 49 U.S.C. § 41712 (Section 41712), the statutory prohibition against unfair and deceptive practices, by failing to provide a refund for canceled flights. We dismiss the complaint for the reasons set forth in this order pursuant to 14 CFR 302.406(a)(2).

**Complaint and Answer**

Mr. Libersohn states that Avianca has a policy of not providing refunds for flights that it cancels for reasons beyond its control. He states that Avianca retroactively changed its policy effective March 19, 2020. However, Mr. Libersohn does not state any facts establishing that he was personally affected by any violations of U.S. law (e.g., that Avianca failed to provide a timely refund to him for a flight to or from the United States that was canceled or significantly changed by Avianca).

Avianca filed its answer on July 16, 2020. Avianca states that the carrier has resolved the matter to Mr. Libersohn's satisfaction. Avianca notes that Mr. Libersohn asked to withdraw his complaint.

**DOT Enforcement Action Against Avianca**

On November 14, 2022, the Department's Office of Aviation Consumer Protection (OACP) entered into a consent order with Avianca, based on a finding that Avianca failed to provide prompt

refunds to passengers for flights to and from the United States that were cancelled or significantly changed by Avianca, in violation of Section 41712 and 14 CFR Part 259.<sup>1</sup> Pursuant to that order, Avianca agreed to the assessment of civil penalties and to cease and desist from future violations.

### **Decision**

While we have taken enforcement action against Avianca in a separate matter, we dismiss this specific complaint for lack of sufficient evidence in the record that Avianca committed a violation of U.S. law with respect to Mr. Libersohn.<sup>2</sup>

ACCORDINGLY, we dismiss the complaint filed in Docket DOT-OST-2020-0099. 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 Avianca 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>1</sup> DOT Order 2022-11-10 at dockets DOT-OST-2020-0248 and DOT-OST-2022-0001, available at [www.regulations.gov](http://www.regulations.gov).

<sup>2</sup> See, e.g., DOT Order 2021-6-2, 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).