



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

Issued by the Department of Transportation  
on the 8<sup>th</sup> day of May, 2026

**Complaint of**

**Meir Silverman**

**v.**

**Azerbaijan Airlines**

**Docket DOT-OST-2020-0180**

**Served May 8, 2026**

**ORDER OF DISMISSAL**

On September 8, 2020, Mr. Meir Silverman filed a formal complaint with the U.S. Department of Transportation (Department or DOT) against Azerbaijan Airlines (Azerbaijan) 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 cancelled flights. Pursuant to 14 CFR 302.406(a)(2), we dismiss the complaint based on the totality of the circumstances, including that the passenger has been paid in full and the airline no longer operates in the United States.

**Complaint and Answer**

Mr. Silverman states that, on January 16, 2020, he purchased a round-trip ticket via Expedia on Azerbaijan from New York City to Tel Aviv, Israel, departing on April 6, 2020. He states that Azerbaijan cancelled his flight and, despite his request for a refund, only offered future travel credits. He argues that Azerbaijan's practice of failing to provide a refund for flights that the carrier cancels is unfair under Section 41712.

Azerbaijan filed its answer on September 24, 2020, admitting that it cancelled the flight in question and offered a voucher as compensation. The carrier states that it also offered a cash refund option to be paid 60 days after it returned to full service. Azerbaijan argues that enforcement is unwarranted because it has not resumed operations, it offered the refund as a matter of goodwill, and the failure to pay immediate refunds was not unfair or deceptive given

the international disruptions of the COVID-19 pandemic. Azerbaijan also states that it has taken all steps outlined in DOT's April 2020 enforcement notice.<sup>1</sup> In a supplemental communication, Azerbaijan confirmed that Mr. Silverman accepted a full refund on October 6, 2020.

### **Applicable Law**

Under 49 U.S.C. § 41712, it is an unfair practice when a carrier refuses to provide refunds to passengers holding non-refundable tickets after the carrier cancels or significantly changes a flight. This is supported by Department precedent in various cases.<sup>2</sup>

In addition, under 14 CFR 259.5 as it existed on the date of this incident,<sup>3</sup> U.S. and foreign air carriers operating at least one aircraft having a designed seating capacity of 30 or more seats were required to provide prompt refunds for cancelled flights as required by 14 CFR 374.3 and Regulation Z (12 CFR Part 1026) for credit card purchases, regardless of the reason for the cancellation.<sup>4</sup> For credit card purchases, Regulation Z requires that refunds must be provided within seven business days of receipt of a written request from the consumer. Under 14 CFR 374.3(b), a violation of the refund timelines constitutes a violation of 49 U.S.C. Subtitle VII.<sup>5</sup>

### **DOT Findings and Conclusions**

After carefully reviewing the information presented in the Complaint, the Answer, and the supplemental communication, we have determined that enforcement action is not warranted. This decision is based on the circumstances presented, including Mr. Silverman's receipt of a full refund, the fact that Azerbaijan has not operated flights to or from the United States since June 2020, and the significant amount of time that has passed since the incidents occurred.

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<sup>1</sup> See U.S. Dep't of Transp., Enforcement Notice Regarding Refunds by Carriers Given the Unprecedented Impact of the COVID-19 Public Health Emergency on Air Travel (April 3, 2020), available at: [https://www.transportation.gov/airconsumer/enforcement\\_notice\\_refunds\\_apr\\_3\\_2020](https://www.transportation.gov/airconsumer/enforcement_notice_refunds_apr_3_2020).

<sup>2</sup> See, e.g., *Deutsche Lufthansa AG*, Order 2024-5-26 (June 3, 2024); *Scandinavian Airlines System*, Order 2023-7-8 (July 13, 2023); and *Air India*, Order 2022-11-9 (November 14, 2022).

<sup>3</sup> The language in this order reflects Section 259.5(b)(5) as it existed at the time of the incident at issue. On April 26, 2024 and August 12, 2024, the Department published two final rules modifying U.S. and foreign air carriers' commitments in Customer Service Plans related to refunds for cancelled or significantly delayed or changed flights. See 89 FR 32832 and 89 FR 65534.

<sup>4</sup> Section 503 of the FAA Reauthorization Act of 2024 (2024 FAA Act) modified U.S. and foreign air carriers' obligations with respect to refunds for cancelled or significantly delayed or changed flights. On August 12, 2024, the Department published a final rule to amend the Department's refund regulations to be consistent with the 2024 FAA Act. See 89 FR 65534 (Aug. 12, 2024).

<sup>5</sup> In enforcement orders, DOT has clarified that violations of section 259.5 are violations of Section 41712 specifically, not just 49 U.S.C. Subtitle VII generally. See, e.g., *American Airlines*, DOT Order 2017-7-9.

ACCORDINGLY, I dismiss the complaint filed in Docket DOT-OST-2020-0180 under the authority in 14 CFR 302.406(a)(2) delegated to me by the Assistant General Counsel of DOT's Office of Aviation Consumer Protection. Pursuant to 14 CFR 302.406(b), the order becomes effective as the Department's final action 30 days after service.

**BY:**

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**for the Office of Aviation Consumer Protection**

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