



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

Issued by the Department of Transportation
on the 8th day of May, 2026

Complaint of

Richard Gouin

v.

JetBlue Airways Corporation

**Dockets DOT-OST-2020-0136
DOT-OST-2020-0141**

Served May 8, 2026

ORDER OF DISMISSAL

On August 13, 2020, Mr. Richard Gouin filed a formal complaint with the U.S. Department of Transportation (Department or DOT) against JetBlue Airways Corporation (JetBlue) 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 a flight cancelled by JetBlue. Pursuant to 14 CFR 302.406(a)(2), we dismiss the complaint because the complaint fails to state a claim upon which relief may be granted because the passenger voluntarily cancelled his non-refundable reservation prior to JetBlue cancelling the scheduled flight.

Complaint and Answer

Mr. Gouin states that on August 18, 2019, he purchased a one-way ticket on JetBlue from Boston, Massachusetts (BOS) to Orlando, Florida (MCO) departing on April 26, 2020. He states that JetBlue cancelled the flight and, despite his request for a refund, only offered future travel credits. He argues that JetBlue's practice of failing to provide a refund for flights that the carrier cancels is unfair under Section 41712, noncompliant with the Department's April 2020

enforcement notice,¹ and is unfairly disadvantageous to airlines that are complying with their obligations to refund passengers.

JetBlue filed its answer on September 25, 2020 stating that Mr. Gouin voluntarily cancelled his non-refundable tickets on March 16, 2020 and that it provided a travel credit to Mr. Gouin in accordance with all applicable regulations, fare rules, and JetBlue's Contract of Carriage. The carrier states that it cancelled the BOS-MCO on March 17, 2020 after Mr. Gouin had voluntarily cancelled his reservation. JetBlue denies that its actions in this case were unfair or deceptive under Section 41712 and states that the Department's Enforcement Notice is inapplicable in the case of a voluntarily cancelled flight.

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.² Passengers who purchase a non-refundable ticket on a flight that is still being operated without a significant delay, but would like to change or cancel their reservation, are generally not entitled to a refund or a travel voucher for future use on the airline.

In addition, under 14 CFR 259.5 as it existed on the date of this incident,³ 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.⁴ 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.⁵

¹ 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.

² 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).

³ 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.

⁴ 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).

⁵ 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.

DOT Findings and Conclusions

After carefully reviewing the information presented in the Complaint and the Answer, we have determined that enforcement action is not warranted. This decision is based on the circumstances presented, including Mr. Gouin's voluntary cancellation of his non-refundable ticket prior to JetBlue cancelling the flight, JetBlue's issuance of travel credits in accordance with its refund policy, and the significant amount of time that has passed since the incident occurred.

ACCORDINGLY, I dismiss the complaint filed in Dockets DOT-OST-2020-0136 and DOT-OST-2020-0141 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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