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

Issued by the Department of Transportation
on the 2nd day of July, 2026

Complaint of **Mike Borsetti** **v.** **JetBlue Airways Corporation**	**Docket DOT-OST-2022-0098** **Served July 2, 2026**

ORDER OF DISMISSAL

On September 1, 2022, Mike Borsetti filed a formal complaint with the U.S. Department of Transportation (Department or DOT) against JetBlue Airways Corporation (JetBlue). Mr. Borsetti asserts that JetBlue engaged in unfair and deceptive practices by denying consumers the opportunity to reduce the disruption and harm resulting from schedule changes, when alternative flights were available that would have minimized the disruptions. Pursuant to 14 CFR 302.406(a)(2), we dismiss the complaint because we have determined that JetBlue did not engage in an unfair or deceptive practice in this instance.

Complaint and Answer

Mr. Borsetti states that, on June 20, 2022, he purchased a JetBlue ticket for a flight from Boston, Massachusetts, to San Francisco, California, originally scheduled to depart at 6:00 p.m. On August 15, 2022, JetBlue adjusted the flight schedule, moving the departure time to 7:00 p.m. (a 60-minute delay). Mr. Borsetti states that he discovered subsequently that JetBlue had also added a new flight departing at 5:30 p.m., which would have caused less disruption for him by arriving 30 minutes earlier than his original itinerary. Mr. Borsetti states that he requested to be rebooked on the new 5:30 p.m. flight free of charge, but JetBlue refused, citing its Schedule Change Policy. However, Mr. Borsetti acknowledges that his travel agent successfully secured the change to the earlier flight without any change fees. Mr. Borsetti argues that JetBlue's policy is "grossly unfair" because it forces unnecessary disruption onto consumers by giving "zero weight" to preserving the originally ticketed time or the closest available alternative. Mr. Borsetti further requests that DOT initiate an enforcement proceeding and find JetBlue in violation of 49 U.S.C. § 41712 for refusing to rebook him (and similarly situated consumers) onto a flight that minimizes the harm resulting from the schedule change.

In its September 23, 2022 answer, JetBlue asserts that Mr. Borsetti's complaint is moot because Mr. Borsetti experienced no harm and was ultimately rebooked onto the desired earlier flight at no additional cost. Furthermore, JetBlue maintains that it did not "refuse" the schedule change. Rather, JetBlue asserts that it informed Mr. Borsetti that, under its Schedule Change Policy, the requested change would be considered a "voluntary change" and could incur fees. JetBlue also argues that the allegation that its Schedule Change Policy constitutes an unfair and deceptive practice lacks merit and support, noting that all the carrier's policies are easily accessible to consumers on its website. JetBlue states that it accurately followed its published policies and Contract of Carriage in responding to Mr. Borsetti's request for a voluntary schedule change.

Applicable Law

Under 49 U.S.C. § 41712, air carriers, foreign air carriers, and ticket agents are prohibited from engaging in unfair or deceptive practices in air transportation or the sale of air transportation. Section 41712 also authorizes the Department to investigate and decide whether a carrier or ticket agent is engaging in an unfair or deceptive practice, and if so, to prohibit such a practice.[1] A practice is "unfair" to consumers if it causes or is likely to cause substantial injury, which is not reasonably avoidable, and the harm is not outweighed by benefits to consumers or competition. 14 CFR 399.79(b)(1). A practice is "deceptive" to consumers if it is likely to mislead a consumer, acting reasonably under the circumstances, with respect to a material matter. A matter is "material" if it is likely to have affected the consumer's conduct or decision with respect to a product or service. 14 CFR 399.79(b)(2).

In addition, pursuant to 14 CFR 259.5, U.S. and foreign air carriers operating at least one aircraft having a seating capacity of 30 or more seats must adopt a Customer Service Plan and adhere to the Plan's terms. These plans establish a baseline, uniform, minimum level of service to which all covered carriers operating flights to and from the United States must comply.

Matters involving schedule adjustments, such as rebooking, are governed by the carrier's Customer Service Plan, Contract of Carriage, and internal policies that were in place at the time of the incident, including any public promises the carrier made regarding cancellations or schedule changes.

DOT Findings and Conclusion

In response to Mr. Borsetti's complaint, DOT conducted an investigation to determine whether JetBlue engaged in an unfair or deceptive practice. We reviewed JetBlue's answer and the carrier's policies in effect at the time of the incident, including JetBlue's Schedule Change

[1] The Department's regulations impose obligations on airlines that cannot be avoided through contractual provisions. *See Spirit Airlines vs. DOT*, 687 F.3d 403, 416 (D.C. Cir. 2012) (DOT may implement rule that airlines must change their policies to permit a passenger to cancel a reservation without penalty within 24 hours, based on DOT's finding that existing practices were unfair or deceptive).

Policy, fare rules, Customer Service Plan, and Contract of Carriage. Our review confirmed that JetBlue's policies were readily available and accessible to consumers on its website, and that JetBlue acted in accordance with its published policies. Furthermore, we note Mr. Borsetti's acknowledgment that his travel agent ultimately succeeded in securing the change to the earlier flight without any change fees. Consequently, the Department finds no evidence that JetBlue engaged in an unfair or deceptive practice, and no enforcement action is warranted.

ACCORDINGLY, I dismiss the complaint filed in Docket DOT-OST-2022-0098 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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