



**U.S. Department
of Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Ave., S.E.
Washington, DC 20590

Certified Mail – Return Receipt Requested

October 22, 2015

Evelyn D. Sahr
Eckert Seamans Cherin & Mellott, LLC
Counsel for Kuwait Airways Company
1717 Pennsylvania Ave., NW
12th Floor
Washington, D.C. 20006

Dear Ms. Sahr:

We received your October 13, 2015 letter requesting reconsideration of our determination that Kuwait Airways Company (KAC) unreasonably discriminated against Eldad Gatt by preventing him from purchasing a ticket for travel on KAC from John F. Kennedy International Airport (JFK) to London Heathrow Airport (LHR). You assert that the Department's decision is inconsistent with legal precedent, and that KAC cannot comply with the mandate to sell tickets to and transport Israeli citizens between the U.S. and any third country where they are allowed to disembark. You ask whether we consider the determination set forth in our September 30, 2015 letter to be a preliminary or final agency action, and request that we notify you in writing about "the legal nature and status" of the letter.

The September 30th determination was made after a thorough review of the information provided by the parties. We have reviewed KAC's arguments challenging that decision and requesting reconsideration. Your October 13 letter adds no new information or arguments that persuade us to change our determination. Accordingly, we see no reason to reconsider this matter. Our September 30 letter to KAC concluding that the carrier unreasonably discriminated against Mr. Gatt under 49 U.S.C. § 41310 is a final agency decision.

In our September 30 letter, we explained that KAC was in violation of section 41310, and that we expected KAC to come into compliance. We also requested that KAC provide us with a response within 15 days, outlining the steps that it planned to take to comply with section 41310 with regard to its route between JFK and LHR, the only route that KAC operates between the U.S. and a third country. Your letter of October 13, which seeks to respond to

our determination of unreasonable discrimination, also indicated that KAC would not comply within 15 days. In light of KAC's refusal to comply with U.S. law, we are directing that KAC cease and desist from refusing to transport Israeli citizens between the U.S. and any third country where they are allowed to disembark based on the laws of that country. In the event that KAC fails to comply with this obligation, as set forth in our September 30 letter, the Department will have no choice but to pursue further administrative and/or judicial action.

If you have any questions, please contact me at (202) 366-9342.

Sincerely,

Blane A. Workie
Assistant General Counsel for
Aviation Enforcement and Proceedings