



**U.S. Department
of Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

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

November 9, 2015

Certified Mail - Return Receipt Requested

Evelyn D. Sahr
Edward J. Longosz, II
Drew M. Derco
Eckert Seamans Cherin & Mellott, LLC
Counsel for Kuwait Airways Company
1717 Pennsylvania Ave., NW
Twelfth Floor
Washington, D.C. 20006

Dear Ms. Sahr, Mr. Longosz and Mr. Derco:

This letter is in response to Kuwait Airways Corporation's (KAC) submission, styled as a "Petition for Review of Staff Action," dated November 2, 2015. In this document, KAC requests review of the Department of Transportation's (Department or DOT) decision that KAC's refusal to transport Israeli passport holders between New York John F. Kennedy International Airport (JFK) and London Heathrow Airport (LHR) is unreasonable discrimination in violation of 49 U.S.C. § 41310.

On September 30, 2015, after a thorough review of the information provided by the parties, the Department, through the Assistant General Counsel for Aviation Enforcement and Proceedings, informed KAC that it had concluded its investigation, and determined that the carrier unreasonably discriminated against Mr. Eldad Gatt, an Israeli citizen, in violation of 49 U.S.C. § 41310, when it refused to allow him to purchase a ticket for travel on KAC from JFK to LHR. On October 13, 2015, KAC sought reconsideration of this decision and asked whether DOT's September 30th letter constituted final agency action. In response, on October 22, 2015, the Department, again through the Assistant General Counsel for Aviation Enforcement and Proceedings, informed KAC that it had reviewed KAC's arguments challenging the September 30th decision and requesting reconsideration, but saw no reason to reconsider the matter. DOT also stated that the September 30th determination was a final agency decision. Furthermore, the Department directed KAC to cease and desist from its unlawful conduct, and noted that if KAC

continued in its refusal to come into compliance, DOT would have no choice but to pursue further administrative and/or judicial action.

After reviewing your letter and the issues that KAC has raised, I have determined that further review of the Department's prior determination is unnecessary. Accordingly, KAC must cease and desist from its unlawful discrimination as set forth in the Department's letter of September 30, as well as its October 22 denial of KAC's request for reconsideration. Those determinations constitute final agency action by the Department, and therefore, DOT expects KAC to comply promptly.

Sincerely,

/s/

Kathryn B. Thomson
General Counsel