



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

Issued by the Department of Transportation  
on the 22<sup>nd</sup> day of May, 2018

**Third Party Complaint of**

**Benjamin Edelman**

**v.**

**American Airlines, Inc.**

**Docket DOT-OST-2015-0137**

**Served May 22, 2018**

**ORDER OF DISMISSAL**

On July 6, 2015, Mr. Benjamin Edelman (the Complainant) filed a formal complaint under 14 CFR § 302.404 against American Airlines, Inc. (“American”). The Complaint alleged that American, after a passenger-requested change to reservations, failed to provide information regarding the passenger’s free baggage allowance and/or the applicable fee for a carry-on bag and the first and second checked bag when the e-ticket confirmation was reissued, in violation of 14 CFR § 399.85(c). Pursuant to 14 CFR 302.406(a)(2), we dismiss the complaint for the reasons set forth below.

**The Complaint**

The Complaint alleged that American reissued a ticket but did not provide the required information about the passenger’s free baggage allowance and/or the applicable fee for the first and second check bags. The Complaint further alleges that the Complainant reviewed the records of his personal travel, as well as e-ticket confirmations of other individuals. The Complaint asserted that the reissue requirement of 14 CFR § 399.85(c) applies to all post-purchase email confirmations in connection with the sale of air transportation to, within, or from the United States.

Specifically, the Complainant alleged that he used a system wide upgrade to purchase a business class seat for another passenger. The Complainant asserted that the upgrade would increase the passenger's free checked baggage allowance. However, the e-ticket confirmation the passenger received did not contain information about the checked bag allowance. The Complainant alleged that the lack of information provided with the reissued ticket resulted in confusion on behalf of the passenger.

### **Answer of American**

In its answer dated August 4, 2015, American asserted that, upon receipt of the Complaint, it confirmed that it knows of no deviation on its part from the requirement of section 399.85(c) with respect to notification of the free baggage allowances and related checked baggage fees as published by American in each initial post purchase e-ticket Itinerary and Receipt Confirmation. American further stated that it researched and reviewed its consumer complaint records by category and did not find any complaints related to the lack of baggage allowance and fee information in an e-ticket confirmation when a passenger-requested itinerary change was made. American asserted that its baggage practices do not appear to have been the subject of any consumer confusion. American stated, however, that it took steps to ensure that in the event a passenger requests a change in flight arrangements all e-ticket confirmations will contain applicable baggage allowances and fee information whether or not the change will result in different baggage rules. Finally, American requested that the Department to dismiss the Complaint.

### **Relevant Law**

As a U.S. carrier, American is subject to Part 399 of the Department's rules. Specifically, 14 CFR § 399.85(c) requires that, on all e-ticket confirmations for air transportation within, to or from the United States, including the summary page at the completion of an online purchase and a post-purchase email confirmation, a U.S. carrier, a foreign air carrier, an agent of either, or a ticket agent that advertises or sells air transportation in the United States must include information regarding the passenger's free baggage allowance and/or the applicable fee for a carry-on bag and the first and second checked bag. Carriers must provide this information in text form in the e-ticket confirmation. This requirement applies to all e-ticket confirmations, including post-purchase confirmations provided as a result of a passenger-initiated change.

Violations of 14 CFR Part 399 also constitute unfair and deceptive practices and unfair methods of competition in violation of 49 U.S.C. § 41712.

### **Analysis and Decision**

14 CFR § 399.85(c) requires each US carrier to provide information regarding the passenger's free baggage allowance and/or the applicable fee for a carry-on bag and the first and second checked bag on all e-ticket confirmations. This includes initial confirmations, and those provided as a result of a reissued ticket. Based upon the information provided in the Complaint, and the response of American Airlines, we find that the carrier violated 14 CFR § 399.85(c) when it failed to provide the required information as described in the Complaint. In its response, American appears to acknowledge that it failed to provide this information.

Based on the totality of the facts in this case, we have determined that civil penalties are not warranted for this violation and are dismissing this complaint.

ACCORDINGLY, pursuant to the authority delegated under 49 CFR Part 1, we dismiss the complaint of Benjamin Edelman against American Airlines, Inc., in Docket DOT-OST-2015-0137. Pursuant to 14 CFR 302.406(b), this order shall become effective as a final order of the Department thirty days after service of this order.

**BY:**

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