

**Passenger rights in case of
denied boarding, downgrading, cancellation or long delay of
their flight
under Regulation (EC) 261/2004**

Complaint #19/03/2012

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Temats: Travel Document - Miami 3/2/12**No:** Orbitz <travelercare@orbitz.com>

gada 15. janvāris 18:05:11

Kam: Mr [REDACTED] [REDACTED]@inbox.lv>

Lai aizsargātu Jūsu privātumu, inbox.lv nobloķēja attālinātās bildes šajā ziņojumā.

Parādīt bildes

Your Travel Document

Hello Rihards,

Thanks for traveling with [Orbitz](#). This e-mail confirms the ticket number(s) issued for the "Miami 3/2/12" trip.Visit "[My Trips](#)" to add this reservation to your calendar.

Ticket Information

Passenger(s)

[REDACTED]
 [REDACTED]
Alitalia record locator: [REDACTED]
Ticket type requested: electronic (e-ticket)
Orbitz record locator: [REDACTED]
Airline ticket number(s): [REDACTED]

Please note: An additional fee for baggage may apply. This fee is not included in your total trip cost. [See Details](#)

Friday, March 2, 2012
Alitalia # 630

Rome Intercontinental Airport Leonardo da Vinci (FCO) to Miami International (MIA)
Departure (FCO): March 2, 9:15 AM CET (morning)
Arrival (MIA): March 2, 2:55 PM EST (afternoon)

Class: Economy **Seat:** 12C, 12D, 14D, 14G | Your flight is confirmed. Seats are confirmed. You may

| [MIA](#)

Monday, March 19, 2012
Alitalia # 631

Miami International (MIA) to Rome Intercontinental Airport Leonardo da Vinci (FCO)
Departure (MIA): March 19, 5:35 PM EDT (evening)
Arrival (FCO): March 20, 8:10 AM CET (morning)

This is an overnight flight.

Class: Economy **Seat:** 18D, 18G, 19C, 19D | Your flight is confirmed. Seats are confirmed. You may

View the latest airport conditions at: [MIA](#)

Tuesday, March 20, 2012
Alitalia # 7524 Operated by: MALEV HUNGARIAN AIRLINES
-- MA 401 - Please check in with the operating carrier

Rome Intercontinental Airport Leonardo da Vinci (FCO) to Budapest Ferihegy (BUD)
Departure (FCO): March 20, 9:55 AM CET (morning)
Arrival (BUD): March 20, 11:30 AM CET (morning)

Class: Economy Your flight is confirmed. The airline will assign seats at check-in or you may [choose seats](#)

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Great rates

Click for car and hotel rates in **Miami**

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Have your travel plans changed? Many tickets can be exchanged or canceled online by visiting "My trips" and clicking the [Change/cancel airline ticket](#) option.

Cost and billing summary

Booking Confirmation

Total airfare: \$1,254.76USD (including taxes)

Please note that your fare may carry restrictions. Changes to your itinerary may result in additional fees. Review the fare rules in "My Trips" to learn more.

Important notice related to ticket [terms and conditions](#).

Billing Information

Credit card holder's name: [REDACTED]
 Credit card type: MasterCard
 Credit card number: [REDACTED]

Address:

[REDACTED]
 [REDACTED]

E mail: [REDACTED]

At the airport

At the airport

Enjoy a hassle-free airport experience with these travel tips from Orbitz Care

-- Remember to print a copy of this e-mail and bring it with you to the airport. Your itinerary and ticket numbers may be required for check-in and/or immigration.

-- Remember to bring a valid government-issued photo ID to the airport. Check specific [visa and passport requirements](#).

-- Obtain your boarding pass before entering the security checkpoint. See more [check-in tips](#).

-- Plan ahead and arrive early for airport security. Please review these updated security and packing [guidelines](#), as they may change periodically.

Check-in Information

Because you're traveling with an e-ticket, no ticket will be mailed to you.

International Travel

Check [visa and passport requirements](#).

Lastly, you can always look up your reservation under "My Trips" or on your [mobile phone](#) at [m.orbitz.com](#). If you have any questions, you can [e-mail](#) us.

Schedule Changes

Schedule Changes

You may receive an e-mail from Orbitz if a schedule change occurs prior to or during your trip. Such changes also will be noted in "My Trips". We recommend you check there periodically before your trip.

If there are changes to the flight(s), bring a printout with the updated itinerary and ticket number(s) to the airport. We will send you an e-mail 2-3 days before departure.

Hotel Information

No hotel selected

Add a hotel in: [Miami](#) [Change location, dates, more](#)

<p>Chesterfield Hotel & Suites</p> <p>Reviewer Score 3.4 out of 5</p> <p>855 Collins Avenue, Miami Beach, 33139 3.7 Miles East from the center of Miami</p>	<p>Nightly rates from \$371* Total Price \$416</p>
<p>Royal Palm Shorecrest Tower</p> <p>Reviewer Score 3.1 out of 5</p> <p>1545 Collins Avenue, Miami, 33139 4 Miles East from the center of Miami</p>	<p>Nightly rates from \$477 \$419* Total Price \$473</p>
<p>• Save 20% Per Night</p>	

[Seaquill South Beach](#)

Nightly rates from
~~\$179~~ **\$161***
Total Price **\$181**

Reviewer Score **2.3** out of 5

10 - 21 Street, Miami Beach, 33139
4.2 Miles East from the center of Miami

- **book now 10%**

[View more Miami hotels](#)

Or call **800-550-3268** to speak with a hotel sales representative

Prices shown as of 15-01-2012 based on the following: Location: Miami Beach, US , Check-in: Fri, Mar 02 2012, Check-out: Mon, Mar 19 2012, Nights: 1, Rooms: 1, Guests: 1. Subject to availability.

*Prices reflect both the average "base rate" per night and the "Total Price" per night, which includes the base rate, taxes and fees. Rates are subject to change and may not include hotel service charges, extra person charges or incidentals, such as room service. All rates are displayed in USD unless otherwise noted. Converted rates are provided for your convenience. They are based on today's exchange rate, but the hotel will charge you in the local currency.

Add a hotel in: [Rome](#) [Budapest](#)
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Thank you for choosing Orbitz.

Enjoy your trip!

Orbitz Care Team

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THIS FORM CAN BE USED TO LODGE A COMPLAINT WITH AN AIRLINE AND/OR A NATIONAL ENFORCEMENT BODY.

Passenger rights in case of
denied boarding, downgrading, cancellation or long delay of their flight
under Regulation (EC) 261/2004

INSTRUCTIONS

- 1) *Passengers who believe they have a valid complaint against an airline¹ regarding denied boarding, downgrading, cancellation or long delay to a given flight should first submit such a complaint to the airline operating the flight concerned. This form may be used for that purpose. Please keep a copy of this form for your records.*
- 2) *Should the airline fail to provide you with a reply within 6 weeks of receipt or, if you are not satisfied with their reply, this form (a copy of the original form sent to the airline may be used) should be sent to the national enforcement body² in the Member State³ where the incident took place.*
- 3) *If the incident took place at an airport of departure outside the EU, you may contact the national enforcement body in the Member State of flight destination.*
- 4) *This complaint form is to be used only for cases concerned with denied boarding incident, downgrading, cancellation, or long delay of a flight.*
- 5) *For any other complaint types such as baggage claims, flight schedule changes made more than 14 days in advance of your travel date or ticketing issues, these too should be submitted first to the airline concerned. Should you not receive a reply, or if you are not satisfied with the reply, the European Consumer Centres⁴ in any Member State of the EU can be contacted for further advice.*
- 6) *Please fill in the form in block capital letters.*

Complaint submitted by:

Name: [REDACTED]	Surname: [REDACTED]
Address [REDACTED]	
Postcode, city: [REDACTED]	Country: Latvia
E-mail: [REDACTED]@inbox.lv	
Telephone number: [REDACTED]	

¹ "Regulation 261/2004 applies to all flights operated by any airline from any EU airport and flights to an EU airport operated by any EU airline"

² A list of National Enforcement Bodies and further information on EU passenger rights may be found at: <http://www.apr.europa.eu/>

³ or Iceland, Norway, Switzerland

⁴ http://ec.europa.eu/consumers/redress/ecc_network/webcenters_en.htm

Complaint concerning the following flight:

Airline: Alitalia	Flight number: AZ631
Ticket number: [REDACTED]	
Booking reference: Alitalia record locator: [REDACTED]	
Airport of departure: Miami (MIA)	Airport of arrival: Rome (FCO)
Connecting airport (if any):	
Date of your flight: 19.03.2012	
Scheduled time of departure: 17:35 (5:35pm)	Actual time of departure: 17:35 (5:35pm)
Scheduled time of arrival: 8:10 +1	Actual time of arrival: 8:10 +1
Airport(s) where the incident occurred: Miami (MIA)	

Passenger details for flight detailed above:

Name of Passenger	Please indicate if Adult, Child or Infant (less than 2 years)	Please indicate if special assistance was required
[REDACTED]		
[REDACTED]		
[REDACTED]		
[REDACTED]		
[REDACTED]		

Please carefully read these definitions, and indicate with a cross [X] that which applies to this complaint.

- 'Long delay' means when a flight does not depart until after the scheduled departure time by:
- i) two or more hours, for flights of up to 1500 km;
 - ii) three or more hours for intra-EU flights of 1,500 km and longer, or for other flights between 1501 and 3000 km;
 - iii) four or more hours, for all other flights.

'Cancellation' means the non-operation of a flight that was previously planned.

'Denied boarding' means a refusal by the airline to carry a passengers on a flight on which they hold a confirmed reservation and where have presented themselves for check-in and at the boarding gate not later than the time advised by the airline, tour operator or travel agent (if no time was indicated, not later than 45 minutes before the scheduled departure time). This does not include situations where the airline or its agent has reasonable grounds to deny passengers boarding, such as reasons of health, safety, and/or security, or in cases of inadequate travel documentation.

'Downgrading' means the passenger involuntarily travelled in a class of service lower than the class of service for which they had a confirmed reservation.

Did the passenger(s) hold a confirmed reservation on the flight concerned?

- YES
 NO

Did the passenger(s) present themselves at the check-in desk at the latest at the time indicated by the airline (or if no time was indicated: not later than 45 minutes before the published departure time of the flight)?

- YES
 NO

Did the passenger(s) present themselves at the boarding gate before the time indicated on the boarding card?

YES

NO

Not filling this because at check-in we were refused to get our boarding passes.

Did the airline provide the passenger(s) with information on their rights?

YES

NO

I hereby declare that all of the information provided in this form is true and accurate in all respects and for all the passengers concerned.

Signature(s) of all adult passengers :

.....

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

IN CASE YOU WERE DENIED BOARDING AGAINST YOUR WILL:

Did the airline call for volunteers?

- YES
- NO
- I don't know

Did you volunteer not to board the aircraft?

- YES if so, the questions below do not apply
- NO in this case, please answer next questions

Did the airline refuse your boarding for reasons of safety, security, health or inadequate travel documents?

- YES
- NO
- I don't know

Did you present yourself at the boarding gate not later than the time indicated on your boarding pass?

- YES
- NO Not filling this because at check-in we were refused to get our boarding passes.

Did you receive assistance from the airline or its agent after you were denied boarding?

- YES
 - What kind of assistance has been provided to you?
 - Meals
 - Refreshments
 - Place of accommodation (in case the denied boarding resulted in an overnight stay)
 - Transfer between airport and place of accommodation (in case the denied boarding resulted in an overnight stay)
 - Communication facilities (telephone calls, fax or e-mail messages)
 - Other services (please specify):
- NO

Did you receive any financial compensation after you were denied boarding against your will?

- YES
 - Amount: €
- NO

Were you offered the choice between a re-fund OR a re-routing to your final destination?

- YES
 - I chose the re-fund option
 - I was offered a refund for the whole ticket price
 - I was offered a refund for non-used flight coupons
 - I chose the rerouting option:
 -
- NO

- Only refund was offered
- Only re-routing to my final destination was offered [please specify]
Were were offered KLM flight (KL628) which was 5:15 hours later than we had to fly with our Alitalia flight AZ631.

Outline of the situation.

We arrived at Miami airport (MIA) two and a half hours before our flight AZ631 on the 19th of March, 2012, and went to check-in to get our boarding passes where we faced a big problem – we were refused to check-in and get our boarding passes although we'd shown our confirmed reservation.

Alitalia's check-in desk refused to get our boarding passes because Alitalia had changed our flight without informing us.

After long discussions with check-in staff we finally got in contact with the person in charge. If I am not mistaken, her name was Elizabeth. She was nice, but couldn't help us with our problem. She had to give us assistance about our rights regarding EC Regulation 261/2004 and help us with Meals, Refreshments, and Communication facilities. The only answer was that she can look for these Regulations and give us to study them.

REGULATION (EC) No 261/2004 Paragraph 20: "Passengers should be fully informed of their rights in the event of denied boarding and of cancellation or long delay of flights, so that they can effectively exercise their rights."

Airline has to call for volunteers in case the flight is full and they've sold more seats than they can carry. I didn't see them doing this.

REGULATION (EC) No 261/2004 Paragraph 9: „The number of passengers denied boarding against their will should be reduced by requiring air carriers to call for volunteers to surrender their reservations, in exchange for benefits, instead of denying passengers boarding, and by fully compensating those finally denied boarding."

To our question why we were rescheduled on next day's flight answer was that they can't provide flight from Rome (FCO) to Budapest (BUD) flight AZ7524 operated by Malev Hungarian Airlines flight MA 401 because of MALEV HUNGARIAN AIRLINES bankruptcy and that's why we are rerouted on next day.

REGULATION (EC) No 261/2004 Paragraph 12: „The trouble and inconvenience to passengers caused by cancellation of flights should also be reduced. This should be achieved by inducing carriers to inform passengers of cancellations before the scheduled time of departure and in addition to offer them reasonable rerouting, so that the passengers can make other arrangements. Air carriers should compensate passengers if they fail to do this, except when the cancellation occurs in extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken."

After being unyielding and demanding for a solution after our flight departed we've got KLM flight to Europe, but it didn't serve a purpose getting to Rome (FCO) till 8:10am.

Alitalia's solution was to take KLM flight KL628 10:50pm on the 19th of March, 2012, (5:15hours later) then our flight AZ631 5:35pm. This brought to the situation that we could be in Rome at 16:30pm instead of being in Rome at 8:10am.

The goal of this complaint is to get compensation EUR 600 per person (A flight not within EU of greater than 3500 km in distance) because it's obvious and indisputable that Alitalia didn't comply with the REGULATION (EC) No 261/2004:

1. We were denied our confirmed flight MIA-FCO (AZ631)
2. We weren't informed about our rights and even offered Meals, Refreshments, and Communication facilities
3. Alitalia didn't call for volunteers

With Best Regards,

██████████

██████████

██████████

██████████