

8th August 2022

Office of Aviation Consumer Protection
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590
United States.

Dear Head of Unit,

PASSENGER COMPLAINT: FLIGHT DELAYS AND RESCHEDULING, UNSAFE FLIGHT PRACTICE, BAD PASSENGER SERVICE AND DISCRIMINATION BY DELTA AIR LINES INC.

1. We act as lawyers for **MICHAEL ASHONG**, an American (1st Complainant), **ELVIS KESSEY**, a Ghanaian (2nd Complainant), **ANNE SANSA DALY**, a Ghanaian (3rd Complainant), **ANDY ANDREWS GANAH**, a Ghanaian (4th Complainant), **SAMUEL GYAMFI**, a Ghanaian (5th Complainant), **BOBBY BANSON**, a Ghanaian (6th Complainant), and **DIEUDONNE BANSON**, an American (7th Complainant) (our clients) and have their instructions to submit this complaint against **DELTA AIR LINES INC. (DELTA)**.
2. We observed that:
 - a. The **Federal Aviation Administration (FAA)**, a branch of the **U.S Department of Transportation (USDOT)** has been established among others to **issue and enforce regulations** covering the **manufacturing, operation, and maintenance of aircrafts** in the United States of America.
 - b. In line with the FAA's continuing mission to provide the safest, most efficient aerospace system in the world, it has among others established the **Office of Aviation Consumer Protection** (your office) with responsibility to investigate consumer (passenger) complaint(s) relative to aircraft and airport operations.
 - c. **Delta Air Lines Inc. (Delta)** is an American Airline Company operating licensed FAA aircrafts for commercial purposes both in the United States and across the world.

3. Our information is that:

- i. Our clients were scheduled to fly on Delta Air Lines Flight DL156 from the John F. Kennedy (JFK) International Airport, New York to the Kotoka International Airport, Accra, Ghana.
- ii. The said Flight DL156 was scheduled to leave the JFK International Airport on Sunday, 24th July 2022 at 11:45pm and arrive at the KIA, Accra on Monday 25th July 2022 at 2:25pm (local time).
- iii. Our clients had completed departure formalities awaiting boarding when Delta Air Lines announced a 45-minute delay in the scheduled flight time without reason.
- iv. Few minutes after the said flight delay announcement, some of our clients received text messages on their mobile phones that the flight that was scheduled for 11:45pm on Sunday, 24th July 2022 had been rescheduled to 3:30pm on Monday, 25th July 2022.
- v. Delta Air Lines crew on duty at boarding gate 39 were unaware of the said rescheduling of the flight and could not provide passengers any immediate confirmation, update, or response to their enquiries.
- vi. Subsequently, a second announcement was made by Delta Air Lines ostensibly to apologize for and explain the reason for the undue delay - which was to the effect that one of its pilots had not yet reported to work, and that boarding was going to commence immediately the pilot reported.
- vii. Minutes after, some officials of Delta Air Lines in the company of two (2) uniform policemen came to the front desk of boarding gate 39 to make another announcement in which they confirmed the text messages received by some passengers earlier of the rescheduling of the flight to Monday, 25th July 2022 at 3:30pm. No reasons were given for the decision to reschedule the flight to the next day.
- viii. In the said announcement, all passengers including our clients were asked to move to another boarding gate for accommodation arrangements. Upon getting to the boarding gate, they found out that no accommodation arrangements had been made by Delta Air Lines as announced. This created confusion and confrontation between some passengers and the Delta Air Lines crew. Eventually, our clients and all passengers some of whom were children, the sick and persons with disabilities, and persons who had

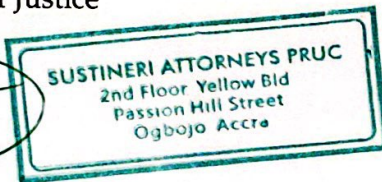

travelled from different states and far places to catch the flight were left to their own fates to find accommodation for the night.

- ix. This compelled our clients to make their own unplanned accommodation arrangements for the night.
- x. On Monday 25th July 2022, all passengers including our clients completed departure formalities and boarded the rescheduled flight by 3:30pm. The pilot announced the need to delay departure due to unfavourable weather conditions as it was raining amid lightening at the time.
- xi. After a couple of hours and following some stability in the weather conditions, the pilot announced that all was set for a smooth take off to Accra whereupon the flight took off from the JFK Airport for KIA, Accra.
- xii. About two and half (2.5) hours into the flight somewhere over the Atlantic, the pilot announced to the utter dismay and horror of all passengers including our clients that, the flight could not proceed to its destination, Accra and had to turn back to the JFK, Airport due to **FUEL SHORTAGE**.
- xiii. Following the said terrifying **FUEL SHORTAGE** announcement, the flight which had been given clearance to make an emergency landing, made a U-turn to the JFK, Airport.
- xiv. Upon landing at the JFK Airport, an announcement was made by the Delta Air Lines crew that the flight had been rescheduled to 3:30pm the next day, Tuesday 26th July 2020 and that the company had made accommodation arrangements for all passengers. As passengers were leaving the aircraft to the announced boarding gates for the necessary accommodation arrangements, priority passengers who were traveling on business class were surreptitiously called aside and given economy tickets to join another DL156 flight that was leaving the JFK Airport at 11:45pm to Accra.
- xv. This included our clients, 2nd, 5th, 6th, and 7th **Complainants** who among other passengers had purchased business class tickets for the original scheduled flight of Sunday, 24th July 2022.
- xvi. Our client, the 7th **Complainant** who was traveling on an American passport but was downgraded from business class to economy had received an email from Delta Air Lines apologizing for the unfortunate happenings of 24th and 25th July 2022 and indicating their readiness to refund the entire cost of his business class ticket.

- xvii. Sadly, save the 5th **Complainant** who was contacted by an official of Delta Air Lines after he publicly called them out in the Ghanaian media, none of our clients who were travelling on Ghanaian passports have received any such communication from Delta Air Lines Inc. This conduct of the company smacks of discrimination, hence unacceptable.
 - xviii. Our clients remain traumatized following the unprofessional, irresponsible, and reckless conduct of Delta Air Lines in its handling of the scheduled flight of Sunday 24th July 2022 and rescheduled flight of Monday 25th July 2022 at 3:30pm.
 - xix. Our clients take the position that Delta Air Lines owes a duty of care to passengers to maintain and fly aircrafts which always comply with aviation industry standards. And that by not conducting basic checks such as checking fuel levels of the aircraft before departure on 25th July 2022 Delta Air Lines had put the lives of passengers including our clients in grave danger. And that, the said conduct is irresponsible, unprofessional, unethical, negligent, and reckless hence must be investigated and sanctioned.
 - xx. Also, by deceiving passengers that they had made accommodation arrangements for them on the night of 24th July 2022 when no such arrangements have been made, Delta Air Lines had acted unethically and unprofessionally, and the said conduct must be investigated.
 - xxi. Again, by rescheduling the flight from 11:45pm on the 24th July 2022 to 3:30pm on the 25th July 2022 on the flimsy ground that one of its pilots had not reported for work, Delta Air Lines had acted unprofessionally and unethically, and the said conduct must be investigated.
 - xxii. Our clients hold the view that, the events of the scheduled flight of Sunday 24th July 2022 and rescheduled flight of Monday, 25th July 2022 resulting into flight delays and rescheduling, bad passenger service, unsafe aircraft operating practice (fuel shortage) and discrimination as outlined above are matters your office is clothed with authority to investigate and sanction. This is imperative in order to forestall similar future occurrences and promote safe air travel for all persons.
4. In the circumstances, we have our clients' instructions to lodge a complaint against **Delta Air Lines Inc. (Delta)** for its unprofessional, unethical, and irresponsible handling of its DL156 flight scheduled for Sunday 24th July 2022 and rescheduled for Monday, 25th July 2022 from the JFK International Airport, New York to the KIA, Accra and we hereby lodge same for your consideration.

5. Additionally, our clients request your office to direct Delta Air Lines Inc. to make the necessary refunds to all passengers who downgraded from business class to economy class on Monday, 25th July 2022 irrespective of their nationality. And to further order Delta Air Lines Inc. to pay appropriate compensation to all affected passengers for the psychological trauma and loss of time they suffered as a result of events of Sunday, 24th July 2022 and Monday, 25th July 2022 enumerated above.
6. Should you require any further information from our clients, do note that, our clients are committed and ready to testify to the truthfulness of the issues contained in this complaint and assist you in your investigation into this matter.
7. The undersigned, reachable on phone number +233243717144 or via email richard@sustineriattorneys.com holds instructions on this matter and should be contacted in this regard.

Yours in the Interest of Justice



SUSTINERI ATTORNEYS PRUC
2nd Floor Yellow Bld
Passion Hill Street
Ogbojo Accra

Richard Nunekpeku
Counsel for the Complainants

Cc:

1. The CEO, Delta Air Lines Inc.
2. The Director-General, the Ghana Aviation Authority, Airport, Accra
3. The Secretary, US Department of Transportation (USDOT)
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