



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Japan Air Lines -- Claim for Economy Class
Fare
File: B-231720
Date: September 21, 1988

DIGEST

Japan Air Lines (JAL) refused to provide through joint-line service from Okinawa to Seattle, Washington, with Northwest Airlines at a reduced military (category Z) fare that had been published in a tariff by Northwest and requested on a Government Transportation Request (GTR). JAL indicated that it was not a party to that fare. The Air Force then issued a second GTR requesting through service at a higher economy class fare solely to avoid delay in a member's emergency leave travel. The through service was performed by JAL to Tokyo and by Northwest to Seattle but the Air Force allowed JAL only the reduced military fare. The carrier's claim for the higher economy class fare should be allowed for the portion of the service JAL performed on the initial leg from Okinawa to Tokyo on the basis of the terms of the parties' agreement. The fare for the balance of the trip via Northwest is properly limited to the reduced military fare.

DECISION

This responds to a request for an advance decision on the question of whether the Air Force should allow Japan Air Lines' (JAL) claim for a through joint-line economy class fare, in lieu of a reduced military (category Z) fare that it had been paid for service from Okinawa to Seattle, Washington.^{1/} We conclude that the claim should be allowed for the portion of the service actually performed by JAL from Okinawa to Tokyo. The remainder of the trip to

^{1/} The request was presented by the Accounting and Finance Officer, Headquarters 475th Air Base Wing (PACAF), APO San Francisco. Because of the emergency nature of the travel on a day when a U.S. flag carrier did not serve the origin point, use of a foreign-flag carrier was approved. The claim involves GTR V5,510,303.

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Seattle via Northwest Airlines was properly limited to the category Z fare.

BACKGROUND

JAL refused to accept a Government Transportation Request (GTR) presented by an Air Force member for through joint-line service at a reduced military fare via JAL and Northwest Airlines from Okinawa to Seattle, Washington, in connection with emergency leave travel. The Air Force issued the GTR on the premise that the lower military fare was applicable since JAL apparently participated in Tariff CAB No. 3752/ and the tariff contains a joint routing between JAL and Northwest at the reduced military fare for the through transportation required. Upon JAL's refusal, the Air Force traffic management office approved the higher cost economy class service and JAL accepted a different GTR which requested the same through transportation, though modified to show the higher economy class service.

The Air Force based its determination to allow JAL only the reduced military fare on the principle that JAL and Northwest were required to perform the through service at the reduced military fare because the fare was published in a tariff for the joint-line routing, citing 13 Comp. Gen. 240 (1934) and 14 Comp. Gen. 752 (1935). The Air Force explains that the higher economy class service was approved and requested on the second GTR solely to avoid a delay in the member's emergency travel.

JAL contends that it is entitled to the higher economy class fare because it refused to provide reduced military service under the original GTR and it agreed to transport the member only after the Air Force approved the higher cost economy class service. JAL further contends that the joint military routing in Tariff CAB No. 375 was published through instructions by Northwest, without JAL's approval, and JAL could not have agreed to such routing in the absence of authorization by the Japanese government pursuant to a Civil Air Transport Agreement between Japan and the United States, and such authorization had not been received.

2/ Local and Joint Military Passenger Rules and Fares Tariff No. MF-22 published by Airline Tariff Publishing Company, Agent.

The decisions cited by the Air Force do not support the agency's disallowance of JAL's supplemental bill for the economy class fare to Tokyo, the extent of the service apparently performed by JAL. In both cases, carriers billed the government fares that were higher than the fares applicable to the class of service that the carriers agreed to provide. Here, JAL refused to provide service at the lower military fare on the basis that it was not obligated or authorized to accept this fare. The Air Force has not refuted JAL's contention. The higher class economy service was clearly requested and JAL agreed to perform the service at the applicable fare only upon the representation on the second GTR that the Air Force would pay the higher fare. We have been cited no authority for limiting JAL's recovery with respect to its service to Tokyo to fulfill the Air Force's desire at the time it requested the higher economy class service, to pay only the reduced military fare.

for *James F. Harkin*
Comptroller General
of the United States