



THE SMALL CLAIMS TRIBUNAL
EUROPEAN SMALL CLAIMS PROCEDURE

ADJUDICATOR
AVV. DR. DUNCAN BORG MYATT

Today the 12th August 2024

Claim Number 3/2022

IYESHA HILL
(80065A)

VERSUS

RYANAIR

THE TRIBUNAL,

Saw the Notice of Claim filed by the claimant on the 22nd June 2022 pursuant to Regulation 861/2007 establishing a European Small Claims Procedure in which the claimant stated that she was claiming compensation from defendant company together with costs of these proceedings and interests. The claimant stated that she was denied boarding on a Ryanair flight on the 18th January 2021 and consequently had to pay for another flight to go to Ireland.

The claimant indicated that she was not insisting on an oral hearing.

Saw that the defendant was served with the Notice of Claim and filed a reply on the 8th August 2022 wherein defendant company rebutted that the proceedings shall be considered null and void since the form submitted by claimant does not specify the amount being claimed. Defendant company states that page 5 relating to the value being claimed is missing and therefore, *“there does not result from the acts received by respondent what the claim amounts to and whether it is a monetary claim that falls within the competence of this Honourable Tribunal.”* Furthermore, defendant company states that plaintiff’s claim is unfounded in fact and at law since plaintiff was denied boarding on the basis of Covid-19 travel restrictions issued by the health authorities.

Having also considered that the Tribunal can adjudicate this case on the basis of the evidence produced and that therefore no oral hearing needs to be fixed.

Considers

The Tribunal makes reference to plaintiff's letter dated 29th November 2022 filed on the 1st December 2022 addressed to the Tribunal's Deputy Registrar and the documents attached therewith. In this letter, plaintiff claimed that the total amount of compensation being claimed by her, amounts to four hundred and six Euro and twenty three cents (Eur 406.23) together with four hundred Euro (Eur 400) for denied boarding under EU Regulation 261/2004.

Following this letter, defendant company filed an application on the 20th January 2023, whereby is stated that defendant company was not served, informed or notified that plaintiff was authorised to submit further documents to substantiate her claim. Hence, defendant company was objecting to the submission of these documents on the basis of the fact that:-

- a. *“from the covering letter submitted by applicant there is stated that there was communication between the plaintiff and the Hon. Chairperson of this Tribunal, which conversation, respondent company was not informed about – in that no sitting was scheduled for this purpose – and neither was respondent company's legal counsel asked to attend or to be present for any such conversation,*
- b. *clearly the production of the said documents is not procedurally correct and compliant with the rules and regulations that govern these proceedings.”*

Defendant company asked the Tribunal to order the removal from the acts of the proceedings, the documents exhibited by plaintiff dated 1st December 2022.

The Tribunal, on the 30th January 2023, presided by a different Chairperson, decreed that plaintiff should declare with whom she corresponded and the person with whom she has held a conversation with relating to this case and in the second instance in which way such conversation and/or correspondence was held.

Plaintiff replied on the 3rd February 2023 declaring that her conversation over the phone was held with Deputy Registrar.

The Tribunal on the 22nd February 2023 decreed that, *“in view of the circumstances, the Tribunal recuses itself from taking further notice of the current case hearing no 3/2022 CL in the names Iysha Hill vs Ryanair, so that justice is not only done but also seen to be done.”*

The acts of the case were consequently transferred on to this Tribunal as presided on the 28th February 2023.

At this stage, the Tribunal points out that:-

- i. Defendant company's application to remove plaintiff's documents has not been decreed;
- ii. Plaintiff was neither authorised nor asked the Tribunal to produce further documents. The exchange of correspondence or/and conversations with the Deputy Registrar, is

definitely not the right procedure to follow if any party wishes to produce any further evidence.

Hence, this Tribunal is hereby declaring that it will not take any note of the evidence produced by plaintiff on the 1st December 2022 since this was not produced through the right channels and according to the right procedure.

Defendant company pleads that plaintiff's form is incomplete since there is a missing page and the amount being claimed is not specified and therefore these proceedings should be declared null and void. Although plaintiff has not declared the amount being claimed, she has submitted evidence together with her claim which leads this Tribunal to believe that she incurred the total amount of two hundred eighty-seven Sterling and seventy-nine cents equivalent to three hundred thirty six Euro and thirteen cents (Eur 336.13). Plaintiff states in her email dated 24th January 2021 sent to defendant company, that *"the out of pocket expense incurred by myself as a result of Ryanair's refusal to allow me to board and fly amounts to"* Eur 336.13.

Having established that the amount being claimed is Eur 336.13, the Tribunal will now evaluate whether plaintiff's claim to be reimbursed this amount shall subsist.

Defendant company has responded to the claim by stating that plaintiff *"was denied boarding because of Covid-19 entry restrictions at the time she tried to travel, as results from the report herewith attached. Therefore, although the order was issued by immigration authorities, it did not relate to an issue of nationality, but failure on the part of claimant to adhere to travel rules in place at the time (January 2021) pursuant to Covid-19 measures issued by the Health authorities."*

The Tribunal has also taken note of the documents submitted by defendant company consisting of published legal notices listing the countries which were banned for travel because of the Covid-19 restrictions.

However, this Tribunal points out the following: -

- Document B submitted by the same defendant company states that the reason for offload is specified as *"No Maltese Citizen"*.
- The documents submitted by plaintiff together with her claim, which include correspondence exchanges between the MCAA and defendant company, there is no mention of any travel ban and it seems clear that the reason for denying plaintiff's boarding was based on the fact that she was not a Maltese citizen.
- There is no doubt and no contestation as to the fact that plaintiff is a Maltese resident.

Mr. Mark Robinson from the MCAA states in an email addressed to the defendant company dated 13th September 2021:-

"Dear Floriana,

I await a response to the below detail and the fact that Passenger is a Maltese resident who was denied boarding for flight Q1CLRB, Passenger MALTESE ID is attached as stated and confirmed by Ryanair related claims have been processed in the same circumstances. I now await advisory of payment to passenger to close the claim."

Hence, the Tribunal believes that notwithstanding the restrictions in place during that particular period, plaintiff was denied boarding by defendant company on the basis that she was not a Maltese resident when in fact she was. Plaintiff states that other Maltese citizens were allowed to board the flight.

Although defendant company submitted the legal notices with the countries listed under the travel ban, the Tribunal concludes that there is no connection between this travel ban and the reason given to plaintiff when she was denied boarding.

Decision

Considering the above reasons, the Tribunal accepts plaintiff's claim for three hundred thirty six Euros and thirteen cents (EUR 336.13), and therefore orders defendant company to pay plaintiff the said amount. The defendant company shall also pay all the judicial costs associated with these proceedings together with interests which shall accrue from the date of this decision.

Dr. Duncan Borg Myatt

Adjudicator