

If a Parent is Owed a Free Summer of Camp For His Child, Can He Ask For Cash Instead?

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Question: A local day camp ran a promotion in which parents were offered a free summer of camp for their child if they signed up eight other children to attend that camp. One parent put together such a group, thereby entitling their son to a free summer of camp. For whatever reason, the child was unable to attend this day camp. Can the parent demand a cash payment in lieu of the free summer?

Alternatively, if the camp ends up not opening that summer altogether, do they have to reimburse the parent for the free summer of camp that they cannot provide?

Answer: We'll start by answering the first question.

First of all, if a parent registers his child to attend camp, he cannot just back out. If no replacement can be found to take his child's spot, he would owe the camp for the summer. In this case as well, if no replacement is found for the child, the parent would have no claim against the camp. If a replacement was found, then we could discuss whether the parent can ask for monetary compensation.

In this story, the parent is essentially a broker acting on behalf of the camp, and the free summer for his child is his commission. A broker is, in essence, a hired worker, who is paid a commission instead of a salary. The Rema speaks about a case where a person hires a worker and promises to pay him with a certain item, rather than with cash. He rules that if the employer changes his mind and wants to pay in cash, he is allowed to do so as long as the worker has not yet made a *kinyan* on the item. On the other hand, if the worker changes his mind and asks for cash instead of the item, the Ketzos Hachoshen rules that he cannot make such a demand. Once he agreed to receive this item as his payment, he cannot say that he will only accept cash.

Accordingly, in this story once the parent/broker agreed to accept the free summer as payment, he cannot demand money instead. On the other hand, he may contact the parents of another child who is attending the camp and offer them his coupon for a free summer in exchange for the money they were planning on paying the camp.

In regards to the second question: The Ketzos further rules that if the item that was promised as payment is lost, the worker could demand a cash payment. Accordingly, if the camp doesn't open for the summer, it can be said that the free summer this parent was entitled to for his brokerage work has been lost, which would mean that he can demand a monetary payment instead.