

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 384
)
United Airlines, Inc.,)
)
Respondent) Decision

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent willfully violated the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

United Airlines, Inc., is a corporation with its mailing address at Post Office Box 66100, Chicago, Illinois 60666. The respondent, at all times material herein, was a carrier within the meaning of the Act and was registered (No. IL-T1) under the Act.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent, its agents and employees, directly or through any corporate or other device, shall cease and desist from:

(1) Failing to furnish Animal and Plant Health Inspection Service ("APHIS") employees with airbills as required by section 10 of the Act and 9 C.F.R. § 2.78;

(2) Failing to ensure that dogs are accepted for shipment only if the dogs are in shipping containers with sufficient space, adequate air supply, and "Live Animals" markings as required by 9 C.F.R. §§ 3.11, 3.12, 3.13;

(3) Failing to ensure that dogs are observed and cared for as required by 9 C.F.R. § 3.15;

(4) Failing to handle the dogs as required by 9 C.F.R. § 3.17;

(5) Failing to ensure that monkeys accepted for shipment are in shipping containers with sufficient structural strength, ventilation, space, and "Wild Animals" markings as required by 9 C.F.R. §§ 3.85, 3.86.

To assure that the transportation of animals by United Airlines, Inc., is conducted in accordance with the Animal Welfare Act and the regulations and standards issued thereunder, the respondent shall ensure that all individuals involved in the accepting and/or handling of animals for transportation are properly trained in the standards under the Act. In addition, respondent agrees that all personnel who are employed in the airports listed below and who accept and/or handle animals for transportation as regulated under the Act and the regulations and standards promulgated thereunder will be required to view a training film within a period of one year from the date of this Order.

Atlanta
Baltimore
Boston - Logan
Chicago - O'Hare
Cleveland
Dallas-Fort Worth
Denver - Stapleton
Des Moines
Kansas City
Los Angeles - LAX
Miami - Miami International
Newark
New York - LaGuardia & JFK
Oklahoma City
Omaha
St. Louis
Salt Lake City

San Francisco
Washington, D.C. - National & Dulles

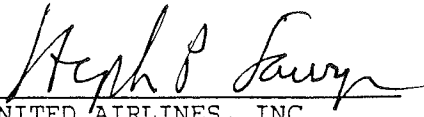
The film will be purchased by respondent from a party that has been supplied the film by APHIS. Complainant will provide respondent with the name, phone number and address of the Area Veterinarian in Charge of APHIS in each state in which the film is to be shown. Respondent will give the appropriate APHIS Area Veterinarian in Charge ten days notice prior to the holding of a training session so that an APHIS representative, if available, may be present at the training session to answer questions.

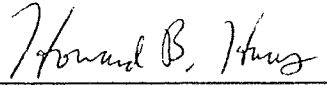
Respondent shall, within thirty days after the one-year period specified for showing the film, send the Area Veterinarian in Charge in Illinois a written report setting forth the name of each employee who saw the film and the date seen and the name of the airport where the employee saw it.

In accordance with section 19 of the Act, respondent is assessed a civil penalty of \$11,000, which shall be paid by a certified check or money order made payable to the Treasurer of the United States.


The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.


UNITED AIRLINES, INC.
Respondent


HOWARD B. HAAS
Attorney for Complainant

Issued this 21st day of January, 1988


Administrative Law Judge