

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. **424**
)
Delta Airlines,)
)
Respondent) Complaint

There is reason to believe that the respondent named herein has violated the regulations and standards (9 C.F.R. § 1.1 et seq.), issued pursuant to the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), herein referred to as the Act, and therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

(a) Delta Airlines, hereinafter referred to as respondent, is a corporation incorporated in the State of Georgia, with offices located at Hartsfield Atlanta International Airport, Atlanta, Georgia 30320.

(b) The respondent, at all times material herein, was registered carrier (Registration No. 6 AT-1) under the Act.

(c) At the time of respondent's application for registration, respondent was given a copy of the regulations and standards promulgated under the Act and respondent agreed in writing to comply with them.

II

On or about January 15, 1986, in violation of section 2.100 of the regulations and section 3.11(b) of the standards (9 C.F.R. §§ 2.100, 3.11(b)), the respondent accepted for transportation, and subsequently transported, in commerce, six live dogs in three primary enclosures (two dogs per enclosure) which failed to conform to the requirements for primary enclosures used to transport live dogs and cats set forth in section 3.12 of the standards (9 C.F.R. § 3.12). Each of the three enclosures were no large enough to ensure that each animal contained therein had sufficient space to turn about freely in a standing position using normal body movements.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact violated the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing

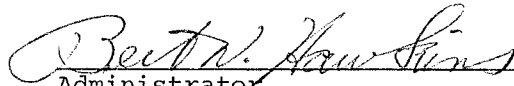
in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder; and

(b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C. ¹⁹⁸⁷
this 20th day of February, ~~1986~~


Administrator
Animal and Plant Health
Inspection Service

M. BRADLEY FLYNN
Attorney for Complainant
Office of the General Counsel
United States Department of
Agriculture
Washington, D.C. 20250
Telephone (202) 447-4631

AWA Docket No. 424

Copies of Decision & Order distributed April 30, 1987, without cover letter as follows:

CERTIFIED RECEIPT REQUESTED

Delta Airlines
Hartsfield Atlanta Int'l Airport
Atlanta, Georgia 30320

cc: Brad Flynn, Mktg.Div., OGC
Arthur Wilson, APHS, Hyattsville
Ag Decisions - 2

✓ DL Nuebel 4-30-87

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Delta Airlines
Hartsfield Atlanta Intl Airport
Atlanta, Georgia
30320
DELTA AIR LINES, INC.

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Decision & Order