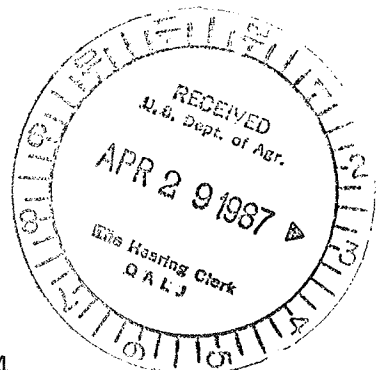


M B J
12/2/86



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 424
)
Delta Airlines,)
)
Respondent) Decision and Order

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 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

(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.

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, employees, and assigns, through any corporation, trust, or device whatsoever, shall cease and desist from violating any and all provisions of the Animal Welfare Act and the regulations and standards issued thereunder. In particular, respondent shall cease and desist from accepting for transportation, and subsequently transporting in commerce, live dogs in primary enclosures which do not conform to the requirements of section 3.12 of the regulations.

Respondent is hereby assessed a civil penalty of \$1,000, payable by certified check or money order to the order of 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.

Hollis Z. Harris
Senior Vice President - Operations
Agent for Delta ~~Airlines~~
Respondent air Lines Inc.

M. Bradley Flynn
M. Bradley Flynn
Attorney for Complainant

Issued this 29th day of April, 1986

Edmund H. McLean
Administrative Law Judge