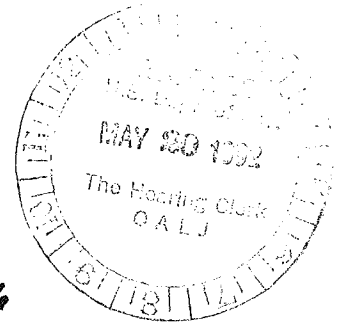


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. **91-66**
)
United Airlines, Inc.,)
)
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 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

(a) United Airlines, Inc., hereinafter referred to as the respondent, is a corporation whose address is Post Office Box 66100, Chicago, Illinois 60666.

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(b) The respondent, at all times material herein, was a registered carrier 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

1. Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from :

(a) Placing live animals in any animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein; and

(b) Failing to visually observe animals when the animal cargo space is accessible to ensure that they are receiving sufficient air for normal breathing, that all other applicable standards are being complied with and to determine whether any animal is in obvious physical distress.

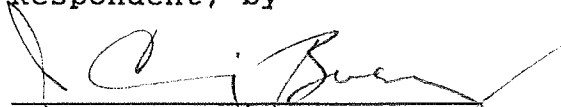
2. Respondent is assessed a civil penalty of \$48,000, which shall be paid by a certified check or money order made payable to the Treasurer of United States.

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

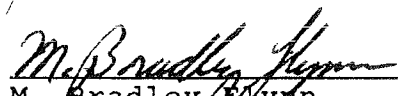
Copies of this decision shall be served upon the parties.

UNITED AIRLINES, INC.

Respondent, by



(Name) J. CRAIG BUSSEY
(Title) SENIOR COUNSEL



M. Bradley Flynn
Attorney for Complainant

Done at Washington, D.C.
this 20th day of May, 199~~7~~²



Administrative Law Judge