



UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 93-35  
          ) )  
Trans World Airlines, Inc. ) )  
          ) )  
Respondent ) )

Consent Decision and Order

These proceedings were 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 these proceedings (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. Trans World Airlines, Inc., hereinafter referred to as Respondent, is a corporation whose address is 100 South Bedford, Mount Kisco, New York, 10549.

C. 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) Failing to ensure that no live dog or cat shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein;

(b) Failing to provide needed veterinary care for any animal in obvious physical distress as soon as possible, and;

(c) Failing to furnish to Complainant's officials information concerning Respondent's business requested by the officials in connection with the enforcement of the provisions of the Act, and the regulations and standards promulgated thereunder.

2. Respondent is assessed a civil penalty of \$60,000.00, which shall be paid by 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.

Trans World Airlines, Inc.  
Respondent, by

Eric A. Overby  
(Name and Title)  
Eric A. Overby  
Trans World Airlines, Inc.  
Managing Attorney - Litigation

Denise Hansberry 3/3/94  
Denise Y. Hansberry  
Attorney for Complainant

Done at Washington, D.C.  
this 3rd day of March, 1994

[Signature]  
Administrative Law Judge