

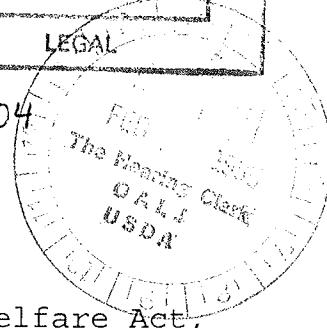
ALASKA AIRLINES

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LEGAL

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 95-04
)
Alaska Airlines,)
)
Respondent) Consent 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) Alaska Airlines, hereinafter referred to as the respondent, is a corporation with offices located at 19300 Pacific Highway South, Seattle, Washington 98188.

(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, his 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 is not designed, constructed and maintained in a manner so as to protect the health and well-being of each live animal contained therein and to ensure their safety and comfort;

(b) 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 of each live animal contained therein;

(c) Failing to ensure that no live dog or cat shall be placed in an animal cargo space that is not heated or cooled as necessary to maintain an ambient temperature that ensures the health and well-being of each live animal contained therein; and

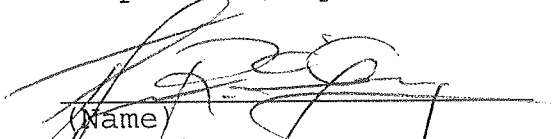
(d) Failing to observe each live dog or cat being transported to determine whether all applicable standards are being complied with and to determine whether any animal is in obvious physical distress.

2. Respondent is assessed a civil penalty of \$2,500 which shall be paid by a certified check or money order made payable to the Treasurer of the United States.

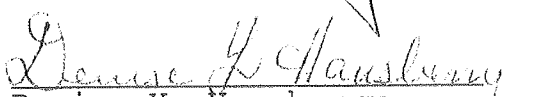
The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.

Alaska Airlines
Respondent, by



(Name)
(Title)



Denise Y. Hansberry
Attorney for Complainant

Done at Washington, D.C.
this 23 day of February, 1995



Administrative Law Judge