

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 97-0032
)
US Airways, Inc.,)
) Consent Decision
Respondent) 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 Act and 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.

Date Distributed: 8/22/98
Legal Technician: TME

Findings of Fact

(a) US Airways, Inc., hereinafter referred to as the respondent, is a corporation and the address of its principal place of business is 2345 Crystal Drive, Arlington, Virginia 22227.

(b) The respondent, at all times material herein, was registered and operating as a carrier as defined in the Act and the regulations.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

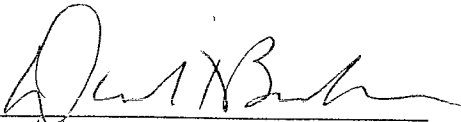
Order

The respondent shall give the sum of \$25,000 to an association, which shall be mutually agreed upon, for the purpose of conducting a study of methods to improve the safe and humane handling of animals during transportation and for the dissemination of the results of the study to carriers subject to the Animal Welfare Act. The respondent shall cooperate with the association and APHIS in the design, implementation, and dissemination of the study. In the event that within 120 days from the effective date of this order the parties have not agreed upon an industry association willing to undertake such a study, the respondent shall conduct and disseminate the results of the study in cooperation with APHIS, shall expend at least the same sum (\$25,000) on the study, and shall complete the study within

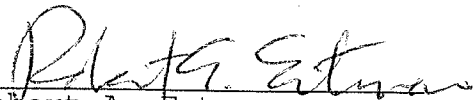
one year and six months from the effective date of this order, or such other period as may be mutually agreed upon.

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.



David T. Beddow
O'Melveny & Myers LLP
Attorney for Respondent



Robert A. Ertman
Attorney for Complainant

Done at Washington, D.C.
this 22nd day of September, 1998



Administrative Law Judge