

USDA
OALWPHC

2011 NOV -3 AM 10: 27

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	Docket No. 11-0315
)	
United Air Lines, Inc.,)	
)	
Respondent)	Consent Decision
)	and Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(hereafter "AWA" or "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service (APHIS), 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 Air Lines, Inc., hereinafter referred to as the Respondent, is a corporation and the address of its principal place of business is 1200 E. Algonquin Rd., Elk Grove Township,

Illinois 6007. The address for the registered agent for United Airlines is The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400 Wilmington, DE 19808.

B. The Respondent, at all times material hereto, was registered and operating as a carrier as defined in the Act and the regulations. The registration number of the Respondent under the Animal Welfare Act is No. 33-T-0001.

C. United Air Lines and Continental Air Lines have merged and are currently operating as one business entity.

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 transport animals in enclosures that contain them securely and comfortably and that can withstand the normal rigors of transportation;
- b. failing to handle animals in a manner that avoids causing them physical harm and distress;
- c. failing to ensure transport enclosures conform to the requirements in the regulations;
- d. failing to hold animals in cargo areas that maintain a temperature that ensures the health of the animals and to ensure that animals have adequate air for breathing at all times;

e. failing to ensure that a carrier for an animal must conform with the requirements in 9 C.F.R. § 3.137 or any succeeding regulation;

f. failing to ensure that animals in transport receive proper care including providing care to animals in obvious physical distress and arranging for any needed veterinary care; and

g. failing to ensure that appropriate measures be taken to alleviate the impact of climatic conditions that present a threat to an animal's health or well being.

2. The Consent Decision and Order will resolve all matters with the Animal and Plant Health Inspection Service involving violations of the Animal Welfare Act and the regulations and standards issued under the Act by United Air Lines and Continental Air Lines as the date of the complaint.

3. Respondent is assessed a civil penalty in the amount of \$17,000, which shall be paid by a certified check, registered check or money order made payable to the Treasurer of the United States. The civil penalty shall be sent to Sharlene Deskins, USDA OGC Marketing Division, 1400 Independence Ave., S.W., Mail Stop 1417, Washington, D.C. 20250-1417.

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 AIR LINES, INC.
Respondent, by

[REDACTED]

Richard Fidre
Attorney for Respondent
and for Continental Airlines, Inc.

[REDACTED]

Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 31 day of November 2011

[REDACTED]

JFB

Janice Bullard
Administrative Law Judge