

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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

There is reason to believe that the respondent named herein has willfully violated the regulations and standards (9 C.F.R. § 1.1 et seq.), issued pursuant to the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), herein referred to as the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

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

B. The respondent, at all times material herein, was a registered carrier under the Act.

II

A. On or about September 6, 1990, at the O'Hare International Airport, Chicago, Illinois, respondent, in willful violation of section 2.100 of the regulations (9 C.F.R. §2.100) and section 3.13(c) of the regulations (9 C.F.R. §3.13(c)), placed 29 live animals (dogs and cats) in an aircraft's animal cargo space which did not have a supply of air sufficient for normal breathing for each animal contained therein.

B. On or about September 6, 1990, at the O'Hare International Airport, Chicago, Illinois, respondent, in willful violation of section 2.100 of the regulations (9 C.F.R. §2.100) and section 3.15(a) of the regulations (9 C.F.R. §3.15(a)), failed to visually observe each of the 29 live dogs and cats when the animal cargo space was accessible to ensure that the dogs and cats were receiving sufficient air for normal breathing, that all other applicable standards were being complied with and to determine whether any such dogs or cats were in obvious physical distress.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-1400, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding

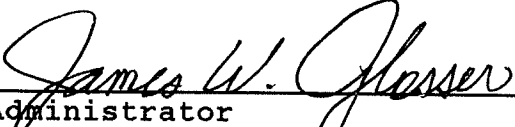
be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder; and

(b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.
this 3rd day of Sept, 1991



Administrator
Animal and Plant Health
Inspection Service

M. BRADLEY FLYNN
Attorney for Complainant
Office of the General Counsel
United States Department of
Agriculture
Washington, D.C. 20250-1400
Telephone (202) 447-4631