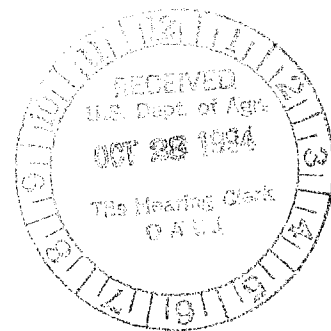


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 95-04
)
Alaska Airlines,)
)
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. Alaska Airlines, hereinafter referred to as respondent, is a corporation whose address is 19300 Pacific Highway South, Seattle, Washington 98188.

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

II

A. On May 23, 1992, respondent accepted for transportation and transported, in commerce, one live dog as checked baggage for passenger Victoria Underwood on flight 603 from Sea Tac Airport in Seattle, Washington to San Diego, California. Upon arrival in San Diego, the dog was suffering from heat exhaustion and was euthanized the following day. Respondent's acts in connection with the transportation of the animal were in willful violation of

section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

1. The animal cargo space used to transport the dog was not designed, constructed and maintained in a manner so as to protect the health and well-being of the animal and to ensure its safety and comfort. (9 C.F.R. § 3.15(a) (1994)).

2. The animal cargo space used to transport the dog did not contain a supply of air sufficient for the normal breathing of the animal. (9 C.F.R. § 3.15(b) (1994)).

3. During air transportation, the cargo area was not cooled as necessary to maintain an ambient temperature and ensure the well-being of the dog. In addition, the dog did not have adequate air for breathing while it was being transported by the respondent. (9 C.F.R. § 3.15(d) (1994)).

4. During the loading and unloading of the dog while en route to San Diego, California, respondent failed to visually observe the animal in order to determine whether all applicable standards were being complied with and to determine whether it was in obvious physical distress. (9 C.F.R. § 3.17(b) (1994)).

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. 20250-9200, 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 19th day of October, 1994



Acting Administrator
Animal and Plant Health
Inspection Service

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