

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

United Air Lines, Inc.,

Respondent.

AWA No. 09-0146

**CONSENT DECISION
AS TO RESPONDENT
UNITED AIR LINES, INC.**

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) (the "Act"), 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. §§ 1.1-3.142) (the "Regulations"). 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).

Respondent United Air Lines, Inc. ("respondent") admits the jurisdictional allegations in 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, to the entry of this decision.

The complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent United Airlines, Incorporated (“respondent”), is a Delaware corporation whose principal place of business is: 77 W. Wacker Drive, Chicago, Illinois 60601.
2. Respondent’s mailing address is: United Airlines, Inc., Post Office Box 66100, Chicago, Illinois 60666.
3. Respondent’s agent for service of process in Illinois is: United Airlines, Inc., c/o the Prentice-Hall Corporation System, Incorporated, 33 North La Salle Street, Chicago, Illinois 60602.
4. Respondent, at all material times mentioned in the complaint, was operating as a carrier, as defined in the Act and Regulations.
5. At all material times mentioned in the complaint, Respondent has held Animal Welfare Act license number 33-T-0001, issued to “United Air Lines Inc”.

CONCLUSION

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.
2. Respondent United Air Lines, Inc., a Delaware corporation, is assessed a civil penalty in the amount of \$11,500, of which \$10,000 shall be held in abeyance and excused, provided respondent complies with the provisions in paragraph 3 (¶ 3) below by implementing the program described therein within one year. The remaining \$1,500 shall be paid within 45

days of service of this Order by certified check or money order made payable to the Treasurer of the United States and sent to:

United States Department of Agriculture
Office of the General Counsel
Marketing Division, Room 2343-South
1400 Independence Avenue, SW.
Washington, DC 20250-1417

Respondents shall state on the certified check or money order that the payment is in reference to AWA Docket No. 09-0146.

3. To effectuate the provisions of this Order, and to facilitate the care, handling and transportation of animals by respondent, the parties agree that respondent shall, within one year of the date of this Order, implement a program of enhancing the securing of primary enclosures (i.e., kennels) containing live dogs or cats that respondent accepts for transportation which includes the use of a zip or cable tie in such a manner so as to reinforce the enclosure door latch(es) on standard commercial pet kennels, and on any other enclosure for which it is deemed appropriate, in an effort to better secure such dog or cat within its enclosure.

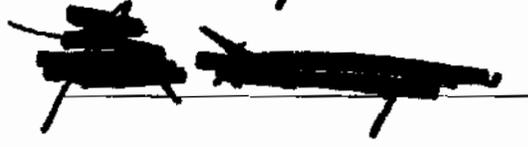
4. The provisions of this order shall become effective on the first day after service of this decision on the respondent.

5. Copies of this decision shall be served upon the parties.


Richard A. Fiore
Senior Counsel
for United Airlines, Inc.
RESPONDENT


Babak A. Rastgoufard
Office of the General Counsel
United States Department of Agriculture
ATTORNEY FOR COMPLAINANT

Done at Washington, D.C.
this 7th day of September, 2009



Administrative Law Judge