

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 02-0022  
)  
DELTA AIR LINES, INC., )  
a Delaware corporation, )  
) CONSENT DECISION  
Respondent. ) AND ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(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 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).

Respondent admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, admits the remaining allegations as set forth herein as findings of fact and conclusions of law, 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 Delta Air Lines, Inc. ("Delta"), is a Delaware corporation whose business address is Hartsfield-Atlanta International Airport, 1010 Delta Boulevard, Post Office Box 20706, Atlanta, Georgia 30320-6001.

2. At all times mentioned herein, respondent Delta was registered as a carrier, as that term is defined in the Act and the Regulations.

3. On April 3 and 4, 1998, respondent Delta transported a Shar Pei puppy ("Harley") from Memphis, Tennessee, to Atlanta, Georgia. The puppy's final destination was to have been Oklahoma City, Oklahoma. The puppy was consigned to respondent Delta in Memphis on April 3, 1998, at approximately 10:00 a.m. The puppy arrived in Atlanta that evening. On April 4, 1998, at approximately 2:00 a.m., respondent Delta placed the dog in its animal holding room in Atlanta. At approximately 5:30 a.m., respondent Delta discovered that the dog and its kennel were missing. Neither the dog nor the kennel was ever located.

4. On or about April 3 and 4, 1998, respondent Delta failed to handle a Shar Pei puppy as expeditiously and carefully as possible in a manner that would not cause it trauma.

#### Conclusions of Law

1. On or about April 3 and 4, 1998, respondent Delta violated sections 2.100(b) and 2.131(a)(1) of the Regulations (9 C.F.R. §§ 2.100(b), 2.131(a)(1)), by failing to handle a Shar Pei puppy as expeditiously and carefully as possible in a manner that would not cause it trauma.

2. The respondent has admitted the findings of fact and the conclusions of law set forth herein, the parties have agreed to the entry of this decision, and such decision will be entered.

#### Order

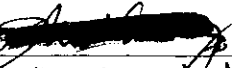
1. Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder.

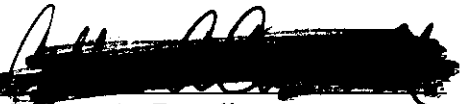
2. Respondent is assessed a civil penalty of \$2,750, which shall be paid by certified check or money order made payable to the Treasurer of the United States.

The provisions of this order shall become effective immediately. Copies of this decision

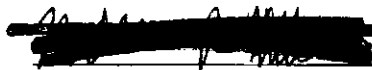
shall be served upon the parties.

DELTA AIR LINES, INC.  
a Delaware corporation

By:   
Its Vice President-Associate General Counsel

  
Colleen A. Carroll  
Attorney for Complainant

Done at Washington, D.C.  
this 29th day of March, 200<sup>4</sup>

  
Administrative Law Judge