UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	AWA Docket No. 13- 0109
	)	
Alaska Airlines,	)	
d/b/a Horizon Airlines,	)	
	)	
Respondent.	)	Complaint

There is reason to believe that the respondent named herein has violated the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159), hereinafter referred to as the Act, and the regulations (9 C.F.R. §§ 1.1-4.11) issued pursuant to 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 doing business as Horizon Airlines, whose address is 2338 W. Royal Palm Road, Suite J, Phoenix, Arizona 85021, whose corporate office address is P.O. Box 68977, 19521 International Blvd., Seattle, Washington 98188, and respondent's registered agent for service is Keith Loveless whose mailing address is 19300 International Blvd., Seattle, Washington 98188-5304.

B. The respondent, at all times material herein, was registered and operating as a class T carrier, Certificates #91-T-0001 and 91-T-0004, as defined in the Act and the regulations.

C. When the respondent became registered and annually thereafter, it received a copy of the Act and the regulations and standards issued thereunder and agreed in writing to comply with them.

II

On October 28, 2008, APHIS found the following violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standard specified below:

1. The respondent, a carrier, failed to use care when handling a primary enclosure of a cat which caused distress and several scratches and puncture marks to the cat's nose (9 C.F.R. § 3.19(b)).

III

A. On November 6, 2008, respondent failed to handle an animal as expeditiously and carefully as possible in a manner that did not cause trauma, physical harm, and unnecessary discomfort, when an employee allowed a dog to escape its kennel at the Portland International Airport only to be found four days later injured and dehydrated, in violation of the regulations (9 C.F.R. § 2.131(b)(1)).

B. On November 6, 2008, APHIS found the following violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standard specified below:

1. During transportation in commerce, respondent removed a dog from its primary enclosure and did not place it in another primary enclosure or facility that met the requirements of 9 C.F.R. § 3.6 or § 3.14 (9 C.F.R. § 3.17(d)).

IV

On July 13, 2009, APHIS found the following violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standard specified below:

1. The respondent transported or delivered for transport in commerce a dog in a primary enclosure that was not constructed so that it was strong enough to contain the dog

securely and comfortably, and to withstand the normal rigors of transportation, resulting in the escape and injury of the dog (9 C.F.R. § 3.14(a)(1)).

V.

On December 17, 2010, APHIS found the following violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standard specified below:

1. The respondent, a carrier, failed to use care when handling a primary enclosure of a dog which resulted in the escape and death of the dog (9 C.F.R. § 3.19(b)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact violated the Act and the regulations 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. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

APHIS 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 28th day of Nov., 2012

[redacted]

Acting Administrator
Animal and Plant Health Inspection Service

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