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Order 2002-3-15

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation
On the 19th day of March, 2002

Served March 19, 2002

Linda G. Cook and **Emma P. Duggan vs.** **Northwest Airlines, Inc.** **Violations of 49 U.S.C. § 41705 and 14 CFR Part 382**

Docket OST-00-6951 – 5

ORDER OF DISMISSAL

On February 4, 2000, Linda G. Cook and Emma P. Duggan ("Complainants") filed a formal third-party enforcement complaint with the Department of Transportation alleging that Northwest Airlines, Inc. ("Northwest") violated the Air Carrier Access Act, 49 U.S.C. § 41705 and the Department's implementing regulation, 14 CFR Part 382, in a number of respects relating to requested wheelchair service. The Office of the Assistant General Counsel for Aviation Enforcement and Proceedings ("Enforcement Office") investigated the Complainants' claims and further reviewed similar complaints against Northwest by passengers with disabilities. This investigation led the Enforcement Office to conclude that Northwest had committed a significant number of apparent violations of 14 CFR Part 382 and resulted in it filing a

formal complaint with the Department's Office of Hearings on September 7, 2001.[1]

The Enforcement Office and Northwest have since negotiated a settlement of all alleged violations related to the failure to provide wheelchair service by Northwest. On February 11, 2002, Chief Administrative Law Judge Ronnie A. Yoder issued an order agreed to by the parties as part of the settlement.[2] (OST-01-10598) The Enforcement Office believes, based on its review of the materials related to this matter, including the third-party complaints, the similar informal complaints received by the Department and the similar informal complaints received by Northwest, that further action by the Department is not warranted. The violations asserted by the Complainants are adequately addressed by the settlement as reflected in Chief Judge Yoder's order and the settlement renders further action by the Department on this matter not to be in the public interest.

ACCORDINGLY, we dismiss the third-party complaint in Docket OST-00-6951.

This order is issued under authority assigned in 14 CFR 302.205 and shall be effective as the final action of the Department 30 days after service.

BY:

Samuel Podberesky
Assistant General Counsel for
Aviation Enforcement and Proceedings

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1 See, Dockets 0ST-00-6951 and OST-01-10598. The complaint in Docket OST-01-10598 included the violations alleged by Ms. Cook and Ms. Duggan that are supported by the evidence and discussed those that are not supported by the evidence and are, therefore, not covered by the complaint.

2 The order became final on March 13, 2002. (See Order 2000-3-10.)