



August 7, 2015

James D. Goodman
1600 Entre Colinas Place
Pomona, CA 91768

Dear Mr. Goodman:

This is in response to your recent complaint to the Postal Regulatory Commission (the "Commission") regarding a service issue, Docket No. C2015-2. The Commission dismissed your complaint on July 15, 2015 and referred your issue back to the Postal Service as a service inquiry. I have been asked to investigate and respond to your inquiry. I regret learning of the inconvenience you have experienced.

I understand that your particular concerns are with respect to package deliveries to your residence at 1600 Entre Colinas Place, Pomona, CA 91768. You typically receive mail in a receptacle located at the curb. The curbside receptacle cannot accommodate larger packages, and, at times, the receptacle may be full. On those occasions, a Letter Carrier must deliver larger packages or other overflow mail to the front door. In addition, any delivery requiring a signature must be accomplished at the front door.

The Postal Service continues to provide delivery to your curbside mail receptacle. However, due to the continued presence of an unrestrained dog at your residence, the Pomona Post Office was forced to curtail any delivery to your front door. It is a long-standing policy of the Postal Service to curtail mail delivery where there is a known dog menace. The assigned letter carrier could not effectuate front door delivery without being exposed to the danger associated with an unrestrained dog, despite multiple attempts on the part of the Pomona Post Office to discuss and resolve the dog situation with you.

The Pomona Post Office informed you, by letter dated January 8, 2015, that any mail requiring front door delivery would be curtailed and that you would have to retrieve any such mail in person at the Pomona Post Office. The letter also informed you that your front door delivery could be reinstated by providing a copy of your dog's license, proof of rabies vaccination, and a signed Commitment to Restrain Animal. To date, you have not done so. Accordingly, the Pomona Post Office continues to curtail any mail for your address that requires front door delivery. On those occasions, the Letter Carrier leaves a PS Form 3849, informing you that your mail is available for pick-up at the Pomona Post Office.

I understand that you are away at work during delivery hours Monday through Friday, and that your elderly mother is at home and has difficulty walking to the curbside mail receptacle. While I sympathize with her needs, I am sure you can understand that the Postal Service must protect its employees from potential injury. Dog bites and attacks are amongst the leading cause of injuries to our Letter Carriers, and those injuries are likely to be severe and even fatal. I understand that you do not believe your dog poses any danger, but the Postal Service must assume that any dog, even the kindest of pets, can and will bite to protect its territory. The Postal Service will not take chances with the safety of its employees.

The Postal Service continues to make your curbside deliveries. The Postal Service would be more than happy to reinstate your front door deliveries just as soon as you provide assurance that you will properly restrain your dog. To that end, I enclose a Commitment to Restrain Animal for your signature. Please bring this form, along with proof of rabies vaccination and a copy of your dog's

license, to the Pomona Post Office, and prompt action will be taken to restore your front door deliveries.

Please be assured that Postal employees work diligently to deliver the mail. The objective is not to curtail delivery unless necessary. We know how important your mail is to you. Your full cooperation in ensuring your dog is properly restrained during delivery hours will enable us to give you and your mother the best service possible.

We hope you will give us another opportunity to serve you. Your business is very important to us. If you have any other issues, you may contact your local Post Office by calling Postmaster Frank Malone at 626 286 2404 or Consumer Affairs at 714 662 6215.

Thank you for the opportunity to address this matter with you

Sincerely,

A handwritten signature in black ink, appearing to read "Dora Therien". The signature is fluid and cursive, with a large initial "D" and "T".

Dora Therien
Manager, Consumer & Industry Contact

Enclosures

cc: Pomona Post Office



Pomona CA 91769-9998

CUSTOMER'S COMMITMENT TO RESTRAIN ANIMAL

Postmaster
Pomona CA 91769-9998

I have received the California Civil Code #S3342 and #S3342.5 pertaining to dog bites and interference. I understand that my mail delivery has been suspended because of dog attack at my address. The action I have taken to prevent any further dog attacks is:

- A) Obtain a P.O. Box
B) Removed the dog from the premises
C) Provide the Post Office with a New address
D) Restrain dog during delivery hours

Should there be further interference, I understand that my only option will be to obtain a Post Office Box.

Customer's Signature

Address

Date

Telephone Number

SUPERVISOR REPORT

Dog License - Date

Rabies Vaccination - Date

Supervisor's Signature

Date

Civil liability under the California Dog Bite Statute

of the owner of the dog, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness. A person is lawfully upon the private property of 3342. (a) The owner of any dog is liable for the damages suffered by any person who is bitten by the dog while in a public place or lawfully in a private place, including the property such owner within the meaning of this section when he is on such property in the performance of any duty imposed upon him by the laws of this state or by the laws or postal regulations of the United States, or when he is on such property upon the invitation, express or implied, of the owner.

3342.5. (a) The owner of any dog that has bitten a human being shall have the duty to take such reasonable steps as are necessary to remove any danger presented to other persons from bites by the animal.

(b) Whenever a dog has bitten a human being on at least two separate occasions, any person, the district attorney, or city attorney may bring an action against the owner of the animal to determine whether conditions of the treatment or confinement of the dog or other circumstances existing at the time of the bites have been changed so as to remove the danger to other persons presented by the animal. This action shall be brought in the county where a bite occurred. The court, after hearing, may make any order it deems appropriate to prevent the recurrence of such an incident, including, but not limited to, the removal of the animal from the area or its destruction if necessary.

(c) Whenever a dog trained to fight, attack, or kill has bitten a human being, causing substantial physical injury, any person, including the district attorney, or city attorney may bring an action against the owner of the animal to determine whether conditions of the treatment or confinement of the dog or other circumstances existing at the time of the bites have been changed so as to remove the danger to other persons presented by the animal. This action shall be brought in the county where a bite occurred. The court, after hearing, may make any order it deems appropriate to prevent the recurrence of such an incident, including, but not limited to, the removal of the animal from the area or its destruction if necessary.

(d) Nothing in this section shall authorize the bringing of an action pursuant to subdivision (b) based on a bite or bites inflicted upon a trespasser, or by a dog used in military or police work if the bite or bites occurred while the dog was actually performing in that capacity. (e) Nothing in this section shall be construed to prevent legislation in the field of dog control by any city, county, or city and county. (f) Nothing in this section shall be construed to affect the liability of the owner of a dog under Section 3342 or any other provision of the law.

The above is for your information. Your letter carrier makes every effort to deliver your mail. However, he/she is not required to cope with dogs that are loose.