

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 09-0134

In re: KELLI McGEE,

Petitioner

ORDER

This matter is before the Administrative Law Judge upon the request of the Petitioner for a hearing concerning the existence or amount of the debt alleged, and if established, the terms of any repayment. Consistent with usual procedures, a Prehearing Order was entered on June 11, 2009 directing the Respondent to file with the Hearing Clerk a narrative concerning the existence, computation of amount and documentation of the debt alleged in this case, together with lists of exhibits and witnesses. The Complainant was also directed to make similar disclosure of her lists of exhibits and witnesses. On June 26, 2009, as directed, the Respondent filed its narrative and the documentation supporting the existence of the debt.

Upon receipt of the narrative, the Complainant contacted the Respondent's representatives and advised them that she had never received the notice referenced in the narrative. Upon investigation, the Respondent found that the required notice had been sent to the wrong address, that the Petitioner had in fact never received proper notice and

has filed a Supplemental Narrative asking that the Request for Wage Garnishment be dismissed.

Being sufficiently advised, it is **ORDERED** the Request for Garnishment be **DISMISSED, with prejudice.**

Copies of this Order will be served upon the parties by the Hearing Clerk.

Done at Washington, D.C.
September 9, 2009

PETER M. DAVENPORT
Administrative Law Judge

Copies to: Kelli McGee
Mary Kimball
Dale Theurer

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