

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	AWG Docket No. 09-0081
Patricia Marie Zuniga, also known as)	
Patricia M. Aguilar,)	
)	Order Dismissing Case
Petitioner)	Without Prejudice

The hearing began on August 18, 2009 but was not completed. Ms. Patricia Marie Zuniga, also known as Patricia M. Aguilar, the Petitioner (“Ms. Zuniga”) failed to appear. Ms. Zuniga did not receive notice of the hearing, because she did not update her contact information so that notice could be provided to her. Rural Development, an agency of the United States Department of Agriculture (USDA), is the Respondent (“USDA Rural Development”) and was represented by Mary E. Kimball and Gene Elkin.

The address for USDA Rural Development for this case is

Mary E. Kimball, Branch Accountant
USDA / RD New Program Initiatives Branch
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Ms. Zuniga requested the hearing, to determine whether Ms. Zuniga’s disposable pay supports garnishment, up to 15% of Ms. Zuniga’s disposable pay (within the meaning of 31 C.F.R. § 285.11). Ms. Zuniga worked for the Bank of the Hills, a branch of Sterling Bank, in Kerrville, Texas. Ms. Zuniga’s circumstances of financial hardship (within the meaning of 31 C.F.R. § 285.11), including any disability or catastrophic illness, were also to be evaluated during the hearing.

Ms. Zuniga is encouraged to review the regulation found at 31 C.F.R. § 285.11.

[She may "Google" or otherwise search for "31 CFR 285", for electronic access to this federal regulation.]

Each party is welcome, but not required, to be represented by counsel, at that party's expense. If counsel is retained, counsel shall file notice of Entry of Appearance with the Hearing Clerk with a copy to the other party. The address for the Hearing Clerk is shown below my signature at the end of this Order.

Ms. Zuniga has shown good cause for her failure to appear for the hearing, in that she did not know about the hearing. Nevertheless, this is her case (she filed the Petition), and she is obligated to apprise USDA Rural Development or those collecting on its behalf, of any changes in her mailing address; delivery address for commercial carriers such as FedEx or UPS; FAX number(s); phone number(s); and e-mail address(es). All attempts to reach Ms. Zuniga following the hearing have failed.

Accordingly, this case is DISMISSED, without prejudice to Ms. Zuniga to request a hearing timely, should garnishment be noticed.

Copies of this Order Dismissing Case shall be served by the Hearing Clerk upon each of the parties. Ms. Zuniga shall be served at the address of record (from which mail is being returned as undeliverable), and also at an alternative address which I will provide to the Hearing Clerk separately, to keep personally identifying information from being published.

Done at Washington, D.C.
this 7th day of October 2009

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

Hearing Clerk's Office
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