

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE SECRETARY OF AGRICULTURE**

In re: ) AWG Docket No. 10-0175  
 )  
Edward Grant, )  
 )  
Petitioner )

**Dismissal of Petition for Oral Hearing**

This matter is before me upon the request of the Petitioner, Edward Grant, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On April 1, 2010, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt.

On June 23, 2010 at the scheduled time, I called the both phone numbers listed by the Petitioner on his December 1, 2009 Request for Hearing.

After identifying myself as the hearing officer in his case, I left a message to call me on the telephone answering machine which featured a religious inspirational message. I also called the Sprint cell phone number and left a message to call me. I recalled the same numbers on June 29, 2010 and again left telephone messages to call me.

I have received no calls from Petitioner proffering reasons why he was not available for the telephone hearing that he requested.

RD had previously submitted its Narrative and Exhibits pursuant to my Pre-Hearing order.

Not having any testimony or exhibits from Petitioner and since he was not available for the Oral hearing that he requested, I will DISMISS his petition as “not timely filed” pursuant to

the rules at 31 CFR §285.11(f) (13) *Failure to appear* .

### **Conclusions of Law**

1. Petitioner Edward Grant is indebted to USDA's Rural Development program.
2. In addition, Petitioner is indebted for potential fees to the US Treasury.
3. All procedural requirements for administrative wage garnishment set forth in 31 C.F.R. ¶ 285.11 have been met.
4. Petitioner is under a duty to inform USDA's Rural Development of his current address, employment circumstances, and living expenses.
5. RD may administratively garnish Petitioners wages at this time.

### **Order**

1. The Administrative Wage Garnishment may proceed against this debtor pursuant to 31 C.F.R. §285.11(i) and (j).
2. Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk's office.

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JAMES P. HURT  
Hearing Official  
July 8, 2010