

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	AWG Docket No. 10-0227
Durrell Gibson, also known as)	
Durrell L. Gibson, Sr.)	
)	Order Dismissing Case
Petitioner)	Without Prejudice

The hearing was scheduled for July 13, 2010, then rescheduled for August 10, 2010. Durrell Gibson, also known as Durrell L. Gibson, Sr., Petitioner (“Mr. Gibson”) failed to appear (by telephone; Mr. Gibson failed to be available at a telephone number where he could be reached). Mr. Gibson did not update his contact information to provide a valid mailing address or any other contact information. 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.

The address for USDA Rural Development for this case is

Mary E. Kimball, Branch Accountant
USDA / RD New Program Initiatives Branch
Bldg 105 E, FC-22, Post D-2
4300 Goodfellow Blvd
St Louis MO 63120-1703

mary.kimball@stl.usda.gov 314.457.5592 phone
314.457.4426 FAX

Mr. Gibson requested the hearing, indicating that he did “not owe the full amount of the debt.” USDA Rural Development prepared for Mr. Gibson a Narrative with six exhibits (RX-1 through RX-6) that detail the existence and amount of the debt, but Mr. Gibson’s copy was returned to USDA Rural Development as not claimed. Mr. Gibson did not update his contact information to provide a valid delivery address. Mr. Gibson is welcome to contact USDA Rural Development (contact information shown above) to obtain his copy of the Narrative and six exhibits.

Ava M. Nickens, USDA/OCFO, wrote by e-mail dated May 3, 2010, that “. . . debtor

Durrell Gibson hearing request should be cancelled. The employer has advised treasury the debtor's employment has terminated."

Mr. Gibson has shown good cause for his failure to appear for the hearing, in that his address of record is not valid. Nevertheless, this is his case (he filed the Petition), and he is obligated to apprise USDA Rural Development or those collecting on its behalf, of any changes in his 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 Mr. Gibson have failed.

Accordingly, this case is DISMISSED, without prejudice to Mr. Gibson 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, TOGETHER WITH a copy of the e-mail dated May 3, 2010. Mr. Gibson shall be served at the address of record (from which mail is being returned as undeliverable).

Done at Washington, D.C.
this 10th day of August 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

Hearing Clerk's Office
U.S. Department of Agriculture
South Building Room 1031
1400 Independence Avenue, SW
Washington DC 20250-9203
202-720-4443
Fax: 202-720-9776