

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 10-0326
)
Andres D. Valdez,)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Andres D. Valdez, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On August 11, 2010, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt.

On September 21, 2010 at the scheduled time, RD was available for the conference call however; Petitioner was called at the phone number listed on his Request for Hearing but was not available. Ms. Kennedy of my office left a voice mail message to return her call.

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 Andres D. Valdez 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 Petitioner's 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.

JAMES P. HURT
Hearing Official
September 22, 2010