

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0355

In re: Guy Alguire,

Petitioner

ORDER OF DISMISSAL

This matter is before me upon the request of Petitioner, Guy Alguire, for a hearing to address the existence or amount of a debt alleged to be due, and if established, the terms of any repayment prior to imposition of an administrative wage garnishment. On August 13, 2010, a Prehearing Order was entered to facilitate a meaningful conference with the parties as to how the case would be resolved, to direct the exchange of information and documentation concerning the existence of the debt, and setting the matter for a telephonic hearing on September 22, 2010.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on August 23 and on September 24, 2010. Mr. Alguire filed his documentation including his financial statements under oath with Rural Development and it was forwarded to the Hearing Clerk on September 17, 2010.

RD was represented by Mary Kimball and Ms. Marsha Moore. Ms. Moore did not testify.

The parties were sworn in.

Mr. Alguire stated that he is disabled, does not work and receives regular social security disability payments. This case has been mis-docketed and needs to proceed under the Federal offset rules (7 CFR 285.4).

Conclusions of Law

1. Guy Alguire is not employed and receives regular social security disability payments.
2. The US Treasury has jurisdiction to administratively offset the Social Security disability paymentS of Guy Alguire.
3. The amount of the debt due needs to be determined under the Federal Offset rules.

Order

For the foregoing reasons, this case is dismissed without prejudice.

Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk's Office.

Done at Washington, D.C.
October 5, 2010

James P. Hurt
Hearing Officer

Copies to:
Mary Kimball

Dale Theurer

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