

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

In re: )  
 )  
Joann G. Hardin Bowen, ) AWG Docket No. 10-0385  
 )  
Petitioner )

**Order Dismissing Request for Hearing**

This matter is before me upon the request of the Petitioner, Joann G. Hardin Bowen, for a hearing in response to efforts of Respondent, USDA’s Rural Development Agency, Rural Housing Service, to institute a federal administrative wage garnishment against her. On May 20, 2010, the U.S. Department of the Treasury notified Ms. Hardin Bowen, by letter, that it intended to initiate Administrative Wage Garnishment proceedings against her in order to collect a debt she owes to the United States Department of Agriculture.

On June 4, 2010, Ms. Hardin Bowen, through her attorney William F. Schneller, filed her Hearing Request in which she challenged the existence of the debt. On August 26, 2010, I issued a Pre-hearing Order setting the hearing for October 1, 2010, and requiring the parties to exchange information and exhibits concerning the alleged debt.

Rural Housing filed a copy of its Narrative along with exhibits RX-1 through RX-9 on September 7, 2010. I canceled the scheduled hearing when I received information that Ms. Hardin Bowen intended to file a petition for bankruptcy. A recent search on Pacer did not show any bankruptcy filing for Ms. Hardin Bowen.

On November 16, 2010, I issued an order rescheduling the hearing for December 13, 2010 at 11:00 AM. Shortly after 11:00 AM on December 13, 2010, efforts were made to contact Ms. Hardin Bowen and her attorney William F. Schneller. Ms. Hardin Bowen could not be reached and Mr. Schneller's office indicated he was not available. At 12:58 PM on December 13, 2010, Mr. Schneller filed a letter, via fax, with the Hearing Clerk stating:

Please be advised that I do not represent Ms. Joann G. Hardin Bowen. I mailed a letter to her along with the Rescheduling Order I received on November 23, 2010 asking her to contact my office regarding this matter and have not heard from Ms. Bowen.

Because Mr. Schneller signed and filed the request for hearing as Ms. Hardin Bowen's attorney, he cannot withdraw as counsel without notice. Mr. Schneller failed to provide such notice until his letter on December 13, 2010, after he and his client failed to appear at the scheduled telephonic hearing. I am treating this letter as a request to withdraw as Counsel for Ms. Hardin Bowen.

Because Ms. Hardin Bowen failed to appear at the scheduled hearing and has not shown good cause for not appearing, I find that under 31 C.F.R. § 285.11(f)(13) she is deemed to have not "timely filed a request for a hearing." Therefore, USDA Rural Development Agency and the Department of the Treasury may proceed with garnishment.

## **Findings of Fact and Conclusions of Law**

1. The Secretary of Agriculture has jurisdiction over the parties, Joann G. Hardin Bowen and USDA Rural Development Agency, Rural Housing Service; and over the subject matter, which is administrative wage garnishment.

2. Petitioner Joann G. Hardin Bowen failed to appear at the scheduled telephonic hearing that she requested through her counsel, William F. Schneller. Because she failed to appear at the hearing she is deemed to have not “timely filed a request for a hearing.”

3. USDA Rural Development Agency and the Department of the Treasury may proceed with garnishment as if Ms. Harden Bowen had never requested a hearing.

## **Order**

Until the debt is fully paid, Ms. Harden Bowen shall give notice to USDA Rural Development Agency, Rural Housing Service of any changes in her mailing address; delivery address for commercial carriers such as FedEx or UPS; FAX number(s); phone number(s); or e-mail address(es). William F. Schneller, as Counsel for Ms. Hardin Bowen, shall provide USDA Rural Development Agency, Rural Housing Service with the current contact information for Ms. Hardin Bowen, including mailing address; delivery address for commercial carriers such as FedEx or UPS; FAX number(s); phone number(s); or e-mail address(es). Upon receipt of this information by USDA Rural Development Agency, Mr. Schneller’s request to withdraw as Counsel is granted.

USDA Rural Development Agency, Rural Housing Service, is authorized at this time to proceed with garnishment.

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

Done at Washington, D.C.  
this 23rd day of December 2010

---

STEPHEN M. REILLY  
Hearing Official