

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 10-0436
)
Marissa Guzman,)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Marissa Guzman, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against her. On September 30, 2010, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt.

On November 23, 2010 at the scheduled time, RD was available for the conference call however; Ms. Guzman provided no phone numbers listed on her Request for Hearing at which she could be contacted.

Neither Ms. Kimball nor I have received any calls from Ms. Guzman proffering reasons why she was not available for the telephone hearing that she requested.

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

Not having any testimony or exhibits from Ms. Guzman and since she was not available for the Oral hearing that she requested, I will DISMISS her petition as “not timely filed” pursuant to the rules at 31 CFR §285.11(f) (13) *Failure to appear*.

Conclusions of Law

1. Petitioner, Marissa Guzman, 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 her 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

January 10, 2011