

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE SECRETARY OF AGRICULTURE**

In re: ) AWG Docket No. 11-0021  
 )  
James Doxtater, )  
 )  
Petitioner )

**Dismissal of Petition for Oral Hearing**

This matter is before me upon the request of the Petitioner, James Doxtater, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On October 28, 2010, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt.

On December 10, 2010 at the scheduled time, RD was available for the conference call however; Mr. Doxtater provided no phone numbers listed on his Request for Hearing at which he could be contacted.

Neither Ms. Kimball nor I have received any calls from Mr. Doxtator 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. The financial exhibits provided by Mr. Doxtater on/about December 1, 2010 did not provide sufficient information from which a financial hardship calculation could have been made. (i.e. no gross or net income stated)

Not having any testimony from Mr. Doxtater 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, James Doxtater, 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.

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**JAMES P. HURT**

Hearing Official

January 11, 2011