

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 11-0123
)
Matthew Sheehan,)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Matthew Sheehan, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On January 14, 2011, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt.

On March 15, 2011 at the scheduled time, Mary Kimball of Rural Development (RD) was available for the conference call, however; Mr. Sheehan 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. Sheehan 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 documents provided by Mr. Sheehan with his Petition were not material proof as to the amount of the debt or the validity of the debt.

Not having any testimony from Mr. Sheehan 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, Matthew Sheehan, 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

March 16, 2011