

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE SECRETARY OF AGRICULTURE**

In re: ) AWG Docket No. 11-0172  
 )  
Leroy Frye, )  
 )  
Petitioner )

**Dismissal of Petition for Oral Hearing**

This matter is before me upon the request of the Petitioner, Leroy Frye, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On April 20, 2011, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt.

On June 1, 2011 at the scheduled time, Rural Development (RD) was available for the conference call however; Mr. Frye was called at the phone number he provided on his petition but he was not available for the hearing.

Neither Ms. Kimball of RD nor I have received any calls from Mr. Frye 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.

Not having any testimony or exhibits from Mr. Frye 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, Leroy Frye, 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

June 2, 2011