

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

In re:	)	AWG Docket No. 11-0240
	)	
Samuel Wilson,	)	
	)	
Petitioner	)	<b>Dismissal of Petition</b>

Pursuant to a Hearing Notice and Prehearing Order, I scheduled a hearing by telephone for June 29, 2011, 10:30 A.M. Eastern Time. Respondent's representative, Mary Kimball, made herself available to participate, but Petitioner did not. The Prehearing Order instructed Petitioner to immediately contact my secretary and provide a telephone number where he could be reached for the scheduled June 29, 2011 hearing by telephone. Petitioner was also instructed to file a written statement of the reasons, with corroborating evidence, if any, why he is not indebted to USDA-Rural Development, or otherwise not subject to the pending administrative wage garnishment proceeding that he seeks dismissed. In addition, Petitioner was directed to file financial information showing the financial hardship that garnishment would cause him. Petitioner did not respond to the Hearing Order; did not provide a different telephone number from the one shown on the Petition; and he did not provide any of the financial information or other data that he was directed by the Notice to provide. On the day of the scheduled hearing, my secretary called Petitioner at the telephone number listed in his Petition three times before the 10:30 AM hearing and the calls were unanswered. In sum, Petitioner did not make himself available at the time of the hearing; nor did he call to explain why he was unavailable.

Accordingly, the petition is hereby **DISMISSED**, and the proceeding to garnish Petitioner's wages may be resumed at the applicable percentage rate of his disposable income allowed by Federal regulations.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Victor W. Palmer  
Administrative Law Judge