

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 11-0198
)
Lisa Sloan,)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Lisa Sloan, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against her. On June 28, 2011, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt. A review of the file indicates that the Hearing Notice was not returned due to an improper address.

On July 12, 2011 at the scheduled time, Rural Development (RD) was available for the conference call however, Ms. Sloan was called at the phone number she provided on her petition (###-###-5772), but the phone number was “not reachable” and she was not available for the hearing.

Neither Ms. McQuaid of RD nor I have received any calls from Ms. Sloan proffering reasons why she 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 Ms. Sloan 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, Lisa Sloan, is indebted to USDA's Rural Development program.
2. In addition, Lisa Sloan 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

July 21, 2011