

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE SECRETARY OF AGRICULTURE**

In re: ) AWG Docket No. 11-0285  
 )  
Donam C. Johnson, )  
 )  
Petitioner )

**Dismissal of Petition for Oral Hearing**

This matter is before me upon the request of the Petitioner, Donam Johnson, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. 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 27, 2011 at the scheduled time, Rural Development (RD) was available for the conference call however, Mr. Johnson was not available at the phone number (254-576-1###) that he had supplied in his Request for Oral Hearing. I left a live message with an adult named “Mattie” at the same phone number during the time scheduled for the hearing requesting that Mr. Johnson call me to set up a new time and date for the oral hearing. “Mattie” said that Mr. Johnson “had no money” and he was in a field “picking cotton.”

Neither Ms. Kimball of RD nor I have received any calls from Mr. Johnson 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. Johnson 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, Donam Johnson, is indebted to USDA’s Rural Development program.
2. In addition, Donam Johnson 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

July 29, 2011