

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 12-0048
)
Chad Solomon,)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Chad Solomon, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On December 6, 2011, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt.

On January 4, 2012 at the scheduled time, both parties were available for the conference call. Prior to any testimony being taken, Mr. Solomon advised that he had paid a lawyer to file a Chapter 7 bankruptcy petition for him. RD was able to determine from the “Pacer” court document database that there was no bankruptcy petition from Mr. Solomon docketed as of the time of the conference call. I ordered Mr. Solomon to call Ms. Tanner of RD with the anticipated bankruptcy petition number and jurisdiction of filing as of C.O.B. Monday, January 9, 2011. Now, one week later, Mr. Solomon still has not filed bankruptcy petition information filed with Ms. Tanner of RD and/or the Hearing Clerk’s Office.

Not having any testimony or exhibits from Mr. Solomon and since he failed to provide his bankruptcy petition filing number to RD or to the Hearing clerk’s office when due, 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, Chad Solomon, 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.
3. This instant petition is dismissed without prejudice.

JAMES P. HURT

Hearing Official

January 11, 2012