

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 12-0074
)
Terry Daufen,)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Terry Daufen, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On December 13, 2011, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt.

Rural Development filed its Narrative and Exhibits on December 13, 2011. Upon my request, on January 5th and 23rd, 2012, RD filed clearer photocopies to the exhibits relating to the Legal Advertisement of the Execution Sale from the Mercer County Law Journal (A Newspaper of general circulation in Mercer County, Pennsylvania).

On January 4, 2012 at the scheduled time, Rural Development (RD) was available for the conference call however; Mr. Daufen did not provide a phone number where he could be reached on the date of the hearing nor did he provide one in his Request for Oral Hearing. Neither Ms. Tanner of RD nor I have received any calls from Mr. Daufen proffering reasons why he was not available for the telephone hearing that he requested.

Not having any testimony or exhibits from Mr. Daufen 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, Terry Daufen, is indebted to USDA's Rural Development program.
2. In addition, Terry Daufen 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

January 23, 2012