

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	[AWG]
Marlin J. Wear)	Docket No. 12-0159
)	
Petitioner)	Dismissal Without Prejudice

1. Petitioner Marlin J. Wear (“Petitioner Wear”) represents himself (appears *pro se*).
2. Rural Development, an agency of the United States Department of Agriculture (USDA), is the Respondent (“USDA Rural Development”). USDA Rural Development is represented by Michelle Tanner.
3. A Hearing by telephone was scheduled for February 15, 2012. The hearing did not go forward, because Petitioner Wear notified us that his attorney was filing a Chapter 7 bankruptcy on his behalf.
4. Petitioner Wear’s Chapter 7 bankruptcy filing has been confirmed by Michelle Tanner, whose email sent on April 17, 2012 states:

Mr. Wear filed for Chapter 7 Bankruptcy on 02/27/12 with U.S. Bankruptcy Court, District of Nebraska (Lincoln Office), Petition: 12-40354-TLS.
5. As a result of Mr. Wear’s Chapter 7 bankruptcy filing, USDA Rural Development will not at this time pursue any type of collection on the debt owed to USDA. USDA Rural Development will recall the debt from Treasury and will monitor the bankruptcy to determine the outcome. If the debt is discharged in bankruptcy, USDA Rural Development will not pursue any collection effort; if the debt is not discharged in bankruptcy, USDA Rural Development may return the debt to Treasury for future collection efforts such as wage garnishment.
6. Accordingly, this case **DISMISSED**, without prejudice to Petitioner Wear to request a hearing timely, should garnishment be noticed.

Copies of this Dismissal Without Prejudice shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.
this 18th day of April 2012

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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