

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE SECRETARY OF AGRICULTURE**

In re: ) AWG Docket No. 12-0414  
 )  
Catherine Brown )  
 )  
Petitioner )

**Dismissal of Petition for Oral Hearing**

This matter is before me upon the request of the Petitioner, Catherine Brown, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against her. On June 1, 2012, 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 May 23, 2012. The hearing was scheduled at Petitioner’s request for June 27, 2012 and Petitioner was notified by letter at an address that she provided.

On June 27, 2012 at the scheduled time, Rural Development (RD) was available for the conference call however; Ms. Brown did not respond to a phone call placed to the phone number that she provided in her Request for Hearing. Neither Ms. Leopardi of RD, nor I have received any calls from Ms. Brown proffering reasons why she was not available for the telephone hearing that she requested.

Not having any testimony or exhibits from Ms. Brown 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, Catherine Brown, is indebted to USDA's Rural Development program.
2. In addition, Catherine Brown 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.

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**JAMES P. HURT**

Hearing Official

July 9, 2012

Copies to:

Catherine Brown

Giovanna Leopardi

Dale Thurer