

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 12-0449
)
Cindy McGuire)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Cindy McGuire for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against her. On June 12, 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 June 22, 2012.

On July 19, 2012 at the scheduled time, Rural Development (RD) was available for the conference call however; Ms. McGuire was not available at the phone number that she provided on her Request for Oral Hearing.

Neither Ms. Tanner of RD nor I have received any calls from Mr. McGuire proffering reasons why she was not available for the telephone hearing that she requested.

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

JAMES P. HURT

Hearing Official

July 26 2012

Cc: Cindy McGuire
Michele Tanner
Dale Thurer