

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	[AWG]
Rudolph Gabuya,)	Docket No. 12-0482
)	
Petitioner)	Dismissal Without Prejudice

1. Rudolph Gabuya, Petitioner (“Petitioner Rudolph Gabuya”) 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 scheduled for August 9, 2012 was not held, because Petitioner Rudolph Gabuya withdrew his Hearing Request in anticipation of filing for bankruptcy.
4. When Petitioner Rudolph Gabuya’s bankruptcy filing has occurred, 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.

Order

5. Petitioner Rudolph Gabuya shall give notice of the bankruptcy filing to USDA Rural Development using the contact information shown below for Michelle Tanner.
6. To permit Petitioner Rudolph Gabuya’s attorney adequate time to complete the work required for the bankruptcy filing, USDA Rural Development, the U.S. Department of the Treasury, and those collecting on its behalf, shall **not** proceed with garnishment through November 2012.

7. Accordingly, this case is DISMISSED, without prejudice to Petitioner Rudolph Gabuya 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 9th day of August 2012

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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