

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 13-0105
)
Steven Caldwell,)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Steven Caldwell, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On December 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 December 20, 2012.

On January 29, 2013 at the scheduled time, Rural Development (RD) was available for the conference call however; Mr. Caldwell did not answer his phone number and he could be reached on the date of the hearing nor did he provide any reason for his absence. Neither Ms. Tanner of RD, nor I, have received any calls from Mr. Caldwell proffering reasons why he was not available for the telephone hearing that he requested.

Not having any testimony or exhibits from Mr. Caldwell 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, Steven Caldwell, is indebted to USDA's Rural Development program.
2. In addition, Steven Caldwell 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 30, 2013

Steven Caldwell

Michelle Tanner

Dale Thurer