

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 12-00498
Martin Navarrette Perez,)
Petitioner)

Remand Order

This matter is before me upon the request of the Petitioner, Martin Navarrette Perez, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On August 3, 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 July 18, 2012.

On September 6, 2012 at the scheduled time, both parties were available for the conference call. Although Petitioner's Request for Hearing and financial statement, filed on September 17, 2012, were filed in perfect English, Mr. Perez offered a fellow worker to translate. However, that person's English was not intelligible to me. The hearing was reset to September 12, 2012 where Mr. Perez was to present another person to translate between English and Spanish. On the reset hearing date, Mr. Perez did indeed offer a second translator person who may have performed admirably in an ordinary conversation - however, the nature of these hearings involve financially detailed facts and again the attempt to give and receive evidence resulted in an unacceptable evidentiary hearing.

RD's representative is fluent in several languages and although she and Mr. Perez carried on a lively conversation on the second hearing date, the finder of the facts (me) had no knowledge of the evidence that may have been derived from their conversation and thus, again the hearing was terminated. I requested that a suitable translator, (not an employee of RD) be appointed for a future hearing where the oral evidence could be recorded.

A non-USDA volunteer was eventually found and upon seeking to set up a third hearing date with Mr. Perez, he was unable to be contacted at any of the phone numbers he previously provided.

The matter cannot be resolved as to the alleged debt without knowing that the Petitioner has had an opportunity to present and receive the evidence relevant to this garnishment action. This matter has become stale.

Order

1. The Administrative Wage Garnishment action is REMANDED to Rural Development for further action.
2. This matter shall be removed from the active docket of the Hearing Clerk's Office as closed.
3. Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk's office.

JAMES P. HURT
Hearing Official
April 4, 2013

Martin Navarrete Perez
Giovanna Leopardi
Dale Theurer