

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE SECRETARY OF AGRICULTURE**

In re: ) AWG Docket No. 12-0317  
 )  
John Evans, )  
 )  
Petitioner )

**Dismissal of Petition for Oral Hearing**

This matter is before me upon the request of the Petitioner, John Evans, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On April 10, 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 April 13, 2012. The hearing was rescheduled at Petitioner's request for May 18, 2012 and Petitioner was notified both by letter and to an email address that he provided.

On May 18, 2012 at the scheduled time, Rural Development (RD) was available for the conference call however; Mr. Evans did not respond to a phone call placed to the phone number that he provided in his Request for Hearing. Neither Ms. Tanner of RD nor I have received any calls from Mr. Evans proffering reasons why he was not available for the telephone hearing that he requested.

Not having any testimony or exhibits from Mr. Evans 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, John Evans, is indebted to USDA's Rural Development program.
2. In addition, John Evans 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.

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**JAMES P. HURT**

Hearing Official

May 23, 2012

Copies to:

John Evans

Michelle Tanner

Dale Thurer