

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE SECRETARY OF AGRICULTURE**

In re: ) AWG Docket No. 12-0451  
 )  
Abel Serrata, Jr. )  
 )  
Petitioner )

**Dismissal of Petition for Oral Hearing**

This matter is before me upon the request of the Petitioner, Abel Serrata, Jr. for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. 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 13, 2012.

On July 25, 2012 at the scheduled time, Rural Development (RD) was available for the conference call however; Mr. Serrata was not available at the phone number that he provided on his Request for Oral Hearing.

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

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

July 26 2012

Cc: Abel Serrata, Jr.  
Michele Tanner  
Dale Thurer