

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 13-0095

Henry Jackson,)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Henry Jackson, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On January 31, 2013, 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 January 31, 2013 with a follow-up clarification on February 20, 2013..

On February 20, 2013 at the scheduled time, Rural Development (RD) was available for the conference call however; Mr. Jackson did not answer his phone number (provided on his Request for Hearing). He could not be reached on the date of the hearing, nor did he provide any reason for his absence. There were five calls placed on February 20 and neither Ms. Zahner of RD, nor I, have received any calls from Mr. Jackson proffering reasons why he was not available for the telephone hearing that he requested.

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

February 21, 2013

Henry Jackson

Gina Zahner

Dale Theurer