

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE SECRETARY OF AGRICULTURE**

In re: ) AWG Docket No. 10-0097  
 )  
John A. Kurban, a.k.a. John A. Kurban, Jr. )  
 )  
Petitioner )

**Dismissal of Petition for Oral Hearing**

This matter is before me upon the request of the Petitioner, John A. Kurban, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him.

On March 12, 2010, RD submitted its Narrative and Exhibits and certified that it mailed a copy to Petitioner.

On April 1, 2010, Administrative Law Judge, Jill S. Clifton, issued a Pre-hearing Order setting up the date and time for oral .

On June 18, 2010 at the scheduled date and time for the hearing, Judge Clifton's legal secretary attempted to call Mr. Kurban at the phone number listed on his November 11, 2009 Request for Hearing, but the number was disconnected.

On June 24, 2010, I was assigned to this case. I also attempted to call the same listed phone number listed by Petitioner but the telephone was still disconnected. RD advised me that they had no other phone numbers for Petitioner.

From and after June 24, 2010, Petitioner has not called RD or the Hearing Clerk's Office or the Legal Secretary- nor has Petitioner submitted any Narrative or Exhibits.

I have received no calls from Petitioner proffering reasons why he was not available for the telephone hearing that he requested.

Not having any testimony or exhibits from Petitioner 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 Kurban is indebted to USDA’s Rural Development program.
2. In addition, Petitioner 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 Petitioners 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 8, 2010`