

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

FNS Docket No. 10-0069

In re: Luke Gray,

Petitioner

ORDER

This matter is before the Administrative Law Judge upon the request of the Petitioner for a hearing to address the existence or amount of a debt alleged to be due, and if established, the terms of any repayment prior to imposition of a federal salary offset. The Petitioner's request was filed with the Hearing Clerk's Office on January 4, 2010.

Upon receipt of the Petition, a copy was served by the Hearing Clerk upon the Administrator of the Food and Nutrition Service who was given 10 days in which to file an Answer. On January 7, 2010, a Notice of Appearance and Motion for Extension was filed by John B. Koch, Esquire, Office of General Counsel, Food and Nutrition Division, United States Department of Agriculture, Washington, DC. There being no prejudice to the Petitioner, the Motion for Extension was granted and the Administrator was given until February 8, 2010 in which to file an Answer. Despite having been given the requested Extension of Time, to date, now some six months later, no Answer has been filed.

Being sufficiently advised, USDA having failed to establish any amount of debt due from the Petitioner, it will be found that the Petitioner is not indebted to USDA on account of the debt claimed by Food and Nutrition Service, the federal salary offset proceeding are **ORDERED** terminated, and this action is **DISMISSED**.

Copies of this Order will be served upon the parties by the Hearing Clerk.

Peter M. Davenport
Chief Administrative Law Judge

August 25, 2010

Copies to: Luke Gray
John Koch, Esquire

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