

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 10-0241
)
Sharon Watts,)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Sharon Watts, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against her. On June 22, 2010, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt.

On September 16, 2010 at the scheduled time, I called the phone numbers listed by the Petitioner on her February 16, 2010 Request for Hearing.

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

RD had previously submitted its Narrative and Exhibits pursuant to my Pre-Hearing order.

Not having any testimony or exhibits from Petitioner and since she was not available for the Oral hearing that she requested, I will DISMISS her petition as “not timely filed” pursuant to the rules at 31 CFR §285.11(f) (13) *Failure to appear* .

In her Request for Hearing, Petitioner stated she would prefer to continue to make payments on the debt via her expectation of a Federal tax return.

Conclusions of Law

1. Petitioner Sharon Watts 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 her 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

September 17, 2010