

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	AWG Docket No. 10-0328
Randall G. Elder)	
)	Order Dismissing Case
Petitioner)	Without Prejudice

The Petitioner is Randall G. Elder (“Petitioner Elder”). The Respondent Agency is Rural Development, United States Department of Agriculture (“USDA Rural Development”). USDA Rural Development is represented by Mary E. Kimball.

A telephone hearing that was scheduled for October 14, 2010 was not held, because Petitioner Elder had filed for bankruptcy. See enclosed email message received today from Ms. Kimball. Petitioner Elder filed for Chapter 13 bankruptcy on October 1, 2010, in the U.S. Bankruptcy Court, Western District of Texas (San Antonio), Case # 10-53818.

As a result of Petitioner Elder’s Chapter 13 bankruptcy filing, USDA Rural Development will not at this time pursue any type of collection on the debt owed to USDA. USDA Rural Development has recalled the debt from Treasury and will monitor the bankruptcy to determine the outcome. If the debt is discharged in bankruptcy, USDA Rural Development will not pursue any collection effort; if the debt is not discharged in bankruptcy, USDA Rural Development may return the debt to Treasury for future collection efforts such as wage garnishment.

Accordingly, this case DISMISSED, without prejudice to Petitioner Elder to request a hearing timely, should garnishment be noticed.

Copies of this Order Dismissing Case Without Prejudice shall be served by the Hearing Clerk upon each of the parties, together with the copies of the enclosed email from Ms. Kimball and Pacer printout.

Done at Washington, D.C.
this 19th day of October 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

Mary E. Kimball, Branch Accountant
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