

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

FNS Docket No. 10-0067

In re: MICHAEL E. GALLEGOS,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Michael E. Gallegos for a hearing to address the existence or amount of a debt alleged to be due which is being sought to be collected through the Treasury Offset Program.

The Respondent has filed a motion seeking to dismiss this action without prejudice suggesting that the Petitioner received benefits to which he was not entitled and questioning whether he has a legitimate challenge to the validity of the effort to recover the alleged debt. Filed with the Motion were attachments however including a document indicating that the petitioner was in fact discharged from his former place of employment, in which case the benefits he received were proper. Exhibit 2.

On the basis of the entire record before me, the following Findings of Fact, Conclusions of Law and Order will be entered.

Findings of Fact

1. The Petitioner Michael E. Gallegos was discharged from employment with Consumer Credit Service following a no call no show for his scheduled shift in April of 2005. Exhibit 2.

2. In view of the foregoing, the determination that he voluntarily quit and not entitled to benefits was erroneous and without basis. Exhibit 3.

Conclusions of Law

1. The Petitioner is not indebted to the United States Department of Agriculture for improper receipt of food stamp benefits.

2. As there is no debt, any effort at collection by referral to the Treasury Offset Program should be terminated.

Order

For the foregoing reasons, the referral to the Treasury Offset Program is **ORDERED TERMINATED.**

Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk's Office.

Done at Washington, D.C.
June 11, 2010

PETER M. DAVENPORT
Acting Chief Administrative Law Judge

Copies to: Michael E. Gallegos
John B. Koch, Esquire

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