

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) [Civil Rights]
James Quarterman,) Docket No. **13-0159**
)
Petitioner) **Decision and Order**

Appearances:

James Quarterman, representing himself (appearing *pro se*), Petitioner; and

none for Dr. Joe Leonard, Jr., the Assistant Secretary for Civil Rights, United States Department of Agriculture, Respondent.

Decision Summary

1. I decide that Administrative Law Judges have no authority to grant the relief requested; accordingly, the Petition must be denied.

Findings of Fact

2. James Quarterman, the Petitioner (“Petitioner Quarterman”), is an individual who asserts that an Administrative Law Judge should provide him a hearing and a decision.

3. Petitioner Quarterman asserts that his complaint alleges discrimination against him by an agency of the United States Department of Agriculture, Farm Service Agency (“USDA Farm Service Agency”).

4. Petitioner Quarterman asserts that his complaint has been pending with the United States Department of Agriculture since April 2012.

5. The Secretary of Agriculture has delegated authority to the Assistant Secretary for Civil Rights, United States Department of Agriculture (Dr. Joe Leonard, Jr.). *See* 7 C.F.R. § 2.25.

6. Petitioner Quarterman asks that the Administrative Law Judge proceed by the authority granted in 7 C.F.R. Part 15, Subpart A, especially 7 C.F.R. §§ 15.6 (Complaints.) and 15.9 (Hearings.)

7. The Secretary of Agriculture has delegated authority to the Office of Administrative Law Judges. *See* 7 C.F.R. § 2.27.

8. Administrative Law Judges do hold hearings under the Administrative Procedure Act (*see* 5 U.S.C. §§ 551-57) as contemplated by 7 C.F.R. § 15.9 and 7 C.F.R. § 2.27.

9. It is **not** within the delegation of authority to the Office of Administrative Law Judges to hear and decide the civil rights issue raised by Petitioner Quarterman: his complaint of discrimination by USDA Farm Service Agency pending before the Assistant Secretary for Civil Rights.

Conclusions

10. The relief requested by Petitioner Quarterman cannot be granted.

Order

11. The Petition must be and hereby is denied.

Finality

12. This Decision shall be final and effective thirty five (35) days after service, unless an appeal to the Judicial Officer is filed with the Hearing Clerk within thirty (30) days after service. Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.
this 18th day of March 2013

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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