

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	[Civil Rights]
)	Docket No. 13-0325
Eddie Wise)	
)	
Petitioner)	Decision and Order

Appearances:

Eddie Wise, representing himself (appearing *pro se*), Petitioner; and

J. Carlos Alarcon, Esq., with the Office of the General Counsel (Civil Rights, Labor and Employment Law Division), United States Department of Agriculture, for the Respondent. ¹

Decision Summary

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

Findings of Fact

2. Eddie Wise, the Petitioner (“Petitioner Wise”), is an individual with a mailing address in North Carolina.

3. Petitioner Wise requests a hearing before an Administrative Law Judge, asserting that he has discrimination claims that have never been resolved by the USDA (United States

1. The Respondent is the Assistant Secretary for Civil Rights (Dr. Joe Leonard, Jr.), United States Department of Agriculture.

Department of Agriculture), including claims under the Equal Credit Opportunity Act. *See* Hearing Request filed August 20, 2013; and *see* Motion filed on September 17 and 18, 2013, which seeks, among other things, immediate temporary injunction on the foreclosure of subject farm by the USDA, and which expands the Hearing Request to include Dorothy Wise.

4. The Assistant Secretary for Civil Rights, through Mr. Alarcon (*see* Agency Proposal filed September 18, 2013), correctly states that Petitioner Wise's claims cannot be addressed by an Administrative Law Judge; the Administrative Law Judges do not have authority to hear and decide such claims.

5. Neither the provisions of the Rules of Practice (*see*, for example, 7 C.F.R. § 1.131); nor the Secretary of Agriculture's delegations of authority to the Office of Administrative Law Judges (*see*, for example, 7 C.F.R. § 2.27); nor any other delegations of authority, statutory or otherwise, of which I am aware, confers upon Administrative Law Judges jurisdiction to hear and decide the civil rights issues raised by Petitioner Wise.

Conclusion

6. The relief requested by Petitioner Wise cannot be granted.

Order

7. Petitioner Wise's request must be and hereby is denied.

Finality

8. 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 29th day of October 2013

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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