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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	HPA Docket No. 17-0023
	)	HPA Docket No. 17-0024
Trista Brown, an individual;	)	HPA Docket No. 17-0025
Jordan Caudill, an individual; and	)	
Kelly Peavy, an individual,	)	
	)	<b>Order Denying Petition to Reconsider</b>
Respondents	)	<b>As to Jordan Caudill</b>

**PROCEDURAL HISTORY**

On August 17, 2017, Jordan Caudill filed a Motion to Reconsider Ruling of Judicial Officer [Petition to Reconsider] requesting that I reconsider *Brown* (Decision as to Jordan Caudill), \_\_\_ Agric. Dec. \_\_\_ (U.S.D.A. Aug. 2, 2017). On September 7, 2017, the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, filed a reply in opposition to Mr. Caudill's Petition to Reconsider, and, on September 8, 2017, the Hearing Clerk, Office of Administrative Law Judges, United States Department of Agriculture [Hearing Clerk], transmitted the record to the Office of the Judicial Officer for a ruling on Mr. Caudill's Petition to Reconsider.

**DISCUSSION**

On August 2, 2017, the Hearing Clerk served Mr. Caudill with *Brown* (Decision as to Jordan Caudill), \_\_\_ Agric. Dec. \_\_\_ (U.S.D.A. Aug. 2, 2017).<sup>1</sup> The rules of practice applicable to

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<sup>1</sup> Certificate of Service signed by Caroline Hill, Assistant Hearing Clerk.

this proceeding<sup>2</sup> provide that a petition for reconsideration must be filed within ten days after the date of service of the Judicial Officer's decision, as follows:

**§ 1.146 Petitions for reopening hearing; for rehearing or reargument of proceeding; or for reconsideration of the decision of the Judicial Officer.**

(a) *Petition requisite. . . .*

. . . .

(3) *Petition to rehear or reargue proceeding, or to reconsider the decision of the Judicial Officer.* A petition to rehear or reargue the proceeding or to reconsider the decision of the Judicial Officer shall be filed within 10 days after the date of service of such decision upon the party filing the petition. Every petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

7 C.F.R. § 1.146(a)(3). Therefore, Mr. Caudill was required to file his Petition to Reconsider no later than August 14, 2017.<sup>3</sup> On August 17, 2017, Mr. Caudill filed his Petition to Reconsider *Brown* (Decision as to Jordan Caudill), \_\_ Agric. Dec. \_\_ (U.S.D.A. Aug. 2, 2017). Mr. Caudill's Petition to Reconsider was not timely filed. Accordingly, Mr. Caudill's Petition to Reconsider is denied.<sup>4</sup>

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<sup>2</sup> The rules of practice applicable to this proceeding are the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130-.151) [Rules of Practice].

<sup>3</sup> Ten days after the date the Hearing Clerk served Mr. Caudill with *Brown* (Decision as to Jordan Caudill), \_\_ Agric. Dec. \_\_ (U.S.D.A. Aug. 2, 2017), was Saturday, August 12, 2017. The Rules of Practice provide that when the time for filing a document or paper expires on a Saturday, the time for filing shall be extended to the next business day (7 C.F.R. § 1.147(h)). The next business day after Saturday, August 12, 2017, was Monday, August 14, 2017.

<sup>4</sup> *Essary* (Order Den. Pet. to Reconsider), 75 Agric. Dec. 615 (U.S.D.A. 2016) (denying, as late-filed, the respondent's petition for reconsideration filed sixteen days after it was required to be filed); *Kriegel, Inc.* (Order Den. Pet. to Reconsider), 74 Agric. Dec. 431 (U.S.D.A. 2015) (denying, as late-filed, the respondents' petition to reconsider filed four days after it was required to be filed); *Mitchell* (Order Den. Pet. to Reconsider), 70 Agric. Dec. 409 (U.S.D.A. 2011)


For the foregoing reasons, the following Order is issued.

**ORDER**

Mr. Caudill's Petition to Reconsider, filed August 17, 2017, is denied. This Order shall become effective upon service on Mr. Caudill.

Done at Washington, DC

September 8, 2017

  
William G. Jenson  
Judicial Officer

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(denying, as late-filed, the respondent's petition to reconsider filed twenty-four days after the Hearing Clerk served the respondent with the decision and order); Sergiojan (Order Den. Pet. to Reconsider), 69 Agric. Dec. 1438 (U.S.D.A. 2010) (denying, as late-filed, the respondent's petition to reconsider filed twenty-two days after the Hearing Clerk served the respondent with the order denying late appeal); Noble (Order Den. Mot. for Recons.), 69 Agric. Dec. 518 (U.S.D.A. 2010) (denying, as late-filed, the respondent's motion to reconsider filed nineteen days after the Hearing Clerk served the respondent with the order denying late appeal); Stanley (Order Den. Pet. for Recons.), 65 Agric. Dec. 1171 (U.S.D.A. 2006) (denying, as late-filed, a petition to reconsider filed thirteen days after the date the Hearing Clerk served the respondents with the decision and order); Heartland Kennels, Inc. (Order Den. Second Pet. for Recons.), 61 Agric. Dec. 562 (U.S.D.A. 2002) (denying, as late-filed, a petition to reconsider filed fifty days after the date the Hearing Clerk served the respondents with the decision and order); Finch (Order Den. Pet. for Recons.), 61 Agric. Dec. 593 (U.S.D.A. 2002) (denying, as late-filed, a petition to reconsider filed fifteen days after the date the Hearing Clerk served the respondent with the decision and order).