

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) A.Q. Docket No. 16-0024  
)  
Sweeny S. Gillette, )  
)  
Respondent )

**Order Granting Mr. Gillette’s Request to Extend the Time  
For Filing an Appeal Petition**

On December 21, 2016, Sweeny S. Gillette filed a request that I grant him a sixty-day extension of time within which to appeal the “Order Granting Complainant’s Motion for Summary Judgment” issued by Chief Administrative Law Judge Bobbie J. McCartney [Chief ALJ] on December 5, 2016. For good reason shown, Mr. Gillette’s December 21, 2016 request for an extension of time to file an appeal petition is granted. The time for filing Mr. Gillette’s appeal petition is extended to, and includes, March 6, 2017.<sup>1</sup>

Mr. Gillette also requests reopening of the hearing to take further evidence. The rules of practice applicable to this proceeding<sup>2</sup> provide that requests to reopen filed prior to the filing of an appeal to the Judicial Officer shall be ruled on by the administrative law judge.<sup>3</sup> As no appeal to

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<sup>1</sup> The Hearing Clerk’s Office receives documents from 8:30 a.m. to 4:30 p.m., Eastern Time. To ensure timely filing, Mr. Gillette must ensure that his appeal petition is received by the Hearing Clerk no later than 4:30 p.m., Eastern Time, March 6, 2017.

<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> See 7 C.F.R. § 1.146(a)(1).

the Judicial Officer has been filed, the Chief ALJ has jurisdiction to rule on Mr. Gillette's petition to reopen the hearing. Therefore, I request that the Hearing Clerk submit the case file to the Chief ALJ for consideration of and a ruling on Mr. Gillette's petition to reopen the hearing.

Done at Washington, DC

December 27, 2016

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William G. Jenson  
Judicial Officer