

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	Docket No. 16-0144
	)	
Bernice Atchison,	)	
	)	<b>Order Vacating Order Dismissing</b>
Petitioner	)	<b>Purported Appeal Petition</b>

**PROCEDURAL HISTORY**

On July 29, 2016, Bernice Atchison instituted this proceeding by filing a “Petition for Review” in which Ms. Atchison requests a copy of the running record and a hearing before an administrative law judge pursuant to 7 C.F.R. pt. 15f and the “2007 Pigford Remedy Act.”<sup>1</sup> On August 16, 2016, the Assistant Secretary for Civil Rights, United States Department of Agriculture [ASCR], filed an “Agency Response” in which the ASCR contends Ms. Atchison failed to assert cognizable jurisdiction for the Office of Administrative Law Judges to entertain this proceeding and requested dismissal of Ms. Atchison’s Petition for Review.

Administrative Law Judge Jill S. Clifton [ALJ] issued *Atchison*, Docket No. 16-0144, 2016 WL \_\_\_\_\_ (U.S.D.A. Aug. 17, 2016) (Dismissal (With Prejudice)), in which the ALJ dismissed this proceeding because “Administrative Law Judges have no authority to grant the relief requested, as stated in the Agency Response filed August 16, 2016[.]” On August 19, 2016, Ms. Atchison appealed *Atchison*, Docket No. 16-0144, 2016 WL \_\_\_\_\_ (U.S.D.A. Aug. 17, 2016) (Dismissal (With Prejudice)), to the Judicial Officer. Ms. Atchison’s August 19, 2016

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<sup>1</sup> Ms. Atchison does not provide a citation to the “2007 Pigford Remedy Act” referenced in her Petition for Review (Pet. for Review at 2), and I cannot locate any such act.

“Appeal To Judicial Officer” states in its entirety: “Please acknowledge email upon receipt”.

I issued *Atchison*, Docket No. 16-0144, 2016 WL 5887703 (Sept. 9, 2016) (Order Dismissing Purported Appeal Petition), dismissing Ms. Atchison’s August 19, 2016 Appeal To Judicial Officer because it does not remotely conform to the requirements for an appeal petition set forth in 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]. The Rules of Practice are not applicable to this proceeding which Ms. Atchison instituted pursuant to 7 C.F.R. pt. 15f. Therefore, I vacate *Atchison*, Docket No. 16-0144, 2016 WL 5887703 (Sept. 9, 2016) (Order Dismissing Purported Appeal Petition).

For the foregoing reason, the following Order is issued.

**ORDER**

*Atchison*, Docket No. 16-0144, 2016 WL 5887703 (Sept. 9, 2016) (Order Dismissing Purported Appeal Petition), is vacated.

Done at Washington, DC

November 22, 2016

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William G. Jenson  
Judicial Officer