

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) Docket Nos. 11-0180 & 11-0252  
)  
Corey Lea, )  
)  
Petitioner ) **Decision and Order**

**PROCEDURAL HISTORY**

On August 29, 2016, Corey Lea filed an “Amended Petition for Review and Expedited Formal Request For a Hearing Before the Administrative Law Judge” [Amended Petition]<sup>1</sup> seeking a hearing before the Office of Administrative Law Judges, United States Department of Agriculture [OALJ], and a copy of the “running record.”<sup>2</sup> On September 21, 2016, the Assistant Secretary for Civil Rights, United States Department of Agriculture [ASCR], filed an “Agency Response,” and, on September 23, 2016, the Hearing Clerk, Office of Administrative Law Judges, United States Department of Agriculture, transmitted the record to the Office of the Judicial

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<sup>1</sup> Mr. Lea captions his Amended Petition: “Corey Lea For Dissolved Corporations Corey Lea Inc. Start Your Dreams Inc. and Cowtown Foundation Inc.” Administrative Law Judge Janice K. Bullard [ALJ] captioned Docket Nos. 11-0180 and 11-0252: “Corey Lea, Corey Lea Inc., Start Your Dream Inc., and Cowtown Foundation, Inc.” *See* Lea, Docket Nos. 11-0180 & 11-0252, 2011 WL 2854039 (U.S.D.A. June 2011) (Order Den. “Motion to Review and Reconsider” and Redirecting Pet’r’s Mot. to Office of Assistant Secretary for Civil Rights). I have captioned Docket Nos. 11-0180 and 11-0252 “Corey Lea” because Mr. Lea filed the Amended Petition on his own behalf only and because I infer, based on Mr. Lea’s Amended Petition, the corporate charters for Corey Lea, Inc., Start Your Dream, Inc., and Cowtown Foundation, Inc., have terminated.

<sup>2</sup> Mr. Lea does not indicate what he means by the “running record.”

Officer for consideration of Mr. Lea's Amended Petition and issuance of a decision. On October 14, 2016, Mr. Lea filed "Petitioners [sic] Response to Agency Motion to Dismiss."

### **DISCUSSION**

Mr. Lea asserts two bases for granting his request for a hearing before the OALJ. First, Mr. Lea contends 7 C.F.R. § 2.25(a)(1)(i) authorizes the ASCR to refer this proceeding to an administrative law judge (Am. Pet. at 1). However, 7 C.F.R. § 2.25(a)(1)(i), by its terms, delegates authority from the Secretary of Agriculture to the ASCR and does not relate in any way to the OALJ:

#### **§ 2.25 Assistant Secretary for Civil Rights.**

(a) The following delegations of authority are made by the Secretary to the Assistant Secretary for Civil Rights:

(1) Provide overall leadership, coordination, and direction for the Department's programs of civil rights, including program delivery, compliance, and equal employment opportunity, with emphasis on the following:

(i) Actions to enforce Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, prohibiting discrimination in federally assisted programs.

7 C.F.R. § 2.25(a)(1)(i). Therefore, I reject Mr. Lea's contention that 7 C.F.R. § 2.25(a)(1)(i) authorizes the ASCR to refer this proceeding to the OALJ.

Second, Mr. Lea, citing the ALJ's May 26, 2011 Decision and Order Dismissing Petition,<sup>3</sup> contends that termination of federal assistance automatically triggers a hearing before an administrative law judge under "7 C.F.R. §§ 15.8(c), 10(f), 10(g), and Subpart C" (Am. Pet. at 1; Petitioners [sic] Resp. to Agency Mot. to Dismiss ¶ 1 at 1).<sup>4</sup> However, Mr. Lea misreads the ALJ's

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<sup>3</sup> Lea, 70 Agric. Dec. 385 (U.S.D.A. 2011) (Decision and Order Dismissing Pet.).

<sup>4</sup> The ASCR correctly notes that neither 7 C.F.R. § 10(f), nor 7 C.F.R. § 10(g), nor 7 C.F.R. § Subpart C exists. *See* Sept. 21, 2016 Agency Resp. at 1 n.1. However, based on Mr. Lea's filings, I find Mr. Lea intended to reference provisions within 7 C.F.R. pt. 15, namely, 7 C.F.R. § 15.10(f), 7 C.F.R. § 15.10(g), and 7 C.F.R. pt. 15, subpart C.

May 26, 2011 Decision and Order Dismissing Petition, in which the ALJ states that the rules that apply to discrimination in federal-assistance programs do not automatically provide Mr. Lea with the right to a hearing and that Mr. Lea has no right to a hearing before the OALJ:

*7 C.F.R. Part 15 Subparts A and C*

Some of Petitioners' allegations may be construed to fall within the auspices of USDA's regulations implementing title VI of the Civil Rights Act of 1964 ..., as the complaints ostensibly involve guaranteed loans. Part 15 Subpart A prohibits discrimination against a participant in a USDA-assisted program or activity. 7 C.F.R. § 15.3. However, the rules that apply to discrimination in federal financial assistance programs do not automatically provide Petitioners with the right to a hearing. The regulations authorize the OASCR to determine the manner in which complaints under this Subpart shall be investigated, and whether remedial action is warranted. 7 C.F.R. § 15.6. The regulations specifically allow applicants or recipients to request a hearing before OALJ if the applicant or recipient is adversely affected by an Order of the Secretary suspending, terminating, or refusing to continue Federal financial assistance; and the Secretary subsequently denies a request to restore eligibility for the assistance. 7 C.F.R. §§ 15.8(c); 10(f); 10(g); Subpart C. There is no evidence of a specific Order by the Secretary suspending or terminating Federal financial assistance to Petitioners, or an Order by the Secretary refusing to continue or grant the same. Similarly, there is no evidence that Petitioners requested the Secretary to restore their eligibility for assistance, which is the event that triggers the right to a hearing. Accordingly, Petitioners are not entitled to a hearing under [7 C.F.R.] §§ 15.9 and 15.10.

*Authority of Secretary to Delegate Responsibility for Final Determination*

In addition, the regulations empower the Secretary to assign responsibilities to other agencies to effectuate the purposes of [title VI of the Civil Rights Act of 1964]. 7 C.F.R. § 15.2(c). As OASCR has moved for dismissal of Petitioners' complaints with OALJ, it is axiomatic that the complaints were not referred to OALJ for a hearing and Petitioners have no right to a hearing pursuant to [7 C.F.R.] § 15.12(c).

*Lea*, 70 Agric. Dec. 385, 390-91 (U.S.D.A. 2011) (Decision and Order Dismissing Pet.) (footnotes omitted). I agree with the ALJ's discussion regarding Mr. Lea's right to a hearing before the OALJ. Therefore, I reject Mr. Lea's contention that he is entitled to a hearing before the OALJ pursuant to 7 C.F.R. pt. 15.

For the foregoing reasons, the following Order is issued.

**ORDER**

Mr. Lea's Amended Petition, filed August 29, 2016, is dismissed.

Done at Washington, DC

December 1, 2016

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William G. Jenson  
Judicial Officer