

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. D-09-0139
)	
Kathy Jo Bauck, an individual,)	
d/b/a Puppy's on Wheels, a/k/a)	
"Puppies on Wheels" and)	
"Pick of the Litter,")	
)	Order Denying Respondent's
Respondent)	Request for Oral Argument

On October 29, 2009, Kathy Jo Bauck appealed Administrative Law Judge Peter M. Davenport's Decision and Order to the Judicial Officer. On December 8, 2009, Ms. Bauck requested oral argument before the Judicial Officer. On December 9, 2009, the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, filed a response opposing Respondent's request for oral argument. On December 10, 2009, the Hearing Clerk transmitted the record to me for a ruling on Ms. Bauck's request for oral argument.

The rules of practice applicable to the instant proceeding¹ provide that oral argument may be requested by a party bringing an appeal within the time prescribed for

¹The rules of practice applicable to the instant proceeding are the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130-.151).

filing the appeal (7 C.F.R. § 1.145(d)). Ms. Bauck's time for filing an appeal expired on November 4, 2009. Therefore, Ms. Bauck's request for oral argument before the Judicial Officer is denied as late-filed. Moreover, I issued the decision and order in the instant proceeding 6 days prior to Ms. Bauck's filing the request for oral argument. *In re Kathy Jo Bauck*, ___ Agric. Dec. ___ (Dec. 2, 2009). Therefore, Ms. Bauck's request for oral argument is moot.

For the foregoing reasons, the following Order is issued.

ORDER

Ms. Bauck's December 8, 2009, request for oral argument is denied.

Done at Washington, DC

December 10, 2009

William G. Jenson
Judicial Officer