UNIVERSAL STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: ) FMIA Docket No. 05-0002
Frank Craig and Jean Craig, ) PPIA Docket No. 05-0003
d/b/a Frank’s Wholesale Meats, )
 Respondents ) Order Denying Petition to Reconsider

PROCEDURAL HISTORY

Complainant alleges that on March 23, 2005, April 4, 2005, and April 5, 2005, Respondent Frank Craig intimidated and interfered with Food Safety and Inspection Service employees performing duties under the Federal Meat Inspection Act and the Poultry Products Inspection Act. Complainant seeks an order indefinitely suspending inspection services under the Federal Meat Inspection Act and the Poultry Products Inspection Act from Frank Craig and Jean Craig, d/b/a Frank’s Wholesale Meats [hereinafter Respondents], and Frank’s Wholesale Meats, its owners, officers, operators, partners, affiliates, successors, and assigns. On April 29, 2005, Respondents filed a response to the Complaint denying the material allegations of the Complaint.

On October 24-26, 2006, Chief Administrative Law Judge Marc R. Hillson [hereinafter the Chief ALJ] presided at a hearing conducted in Washington, DC, and Diamond Bar, California. Carlynne S. Cockrum and Rick D. Herndon, Office of the General Counsel, United States Department of Agriculture, represented Complainant. Respondents refused to participate in the hearing. The Chief ALJ issued a decision orally at the close of the hearing in which the Chief ALJ concluded Frank’s Wholesale Meats harassed, intimidated, threatened, and interfered with Food Safety and Inspection Service employees performing duties under the Federal Meat Inspection Act and the Poultry Products Inspection Service.
Products Inspection Act and ordered the indefinite suspension of inspection services under title I of the Federal Meat Inspection Act and under the Poultry Products Inspection Act from Respondents and Frank’s Wholesale Meats, its owners, officers, directors, partners, successors, and assigns.

The Chief ALJ excerpted from the transcript the decision orally announced at the close of the October 24-26, 2006, hearing, and on November 15, 2006, filed the written excerpt. On November 22, 2006, Respondents appealed to the Judicial Officer. On December 8, 2006, Complainant filed a response to Respondents’ Appeal Petition. On December 11, 2006, the Hearing Clerk transmitted the record to the Office of the Judicial Officer for consideration and decision.


-------------------

4Letter dated November 21, 2006, from Respondent Frank Craig to the Chief ALJ [hereinafter Respondents’ Appeal Petition].

5Response in Opposition to Appeal Petition.

6In re Frank Craig, __ Agric. Dec. ___ (Feb. 21, 2007).


8Response in Opposition to Petition for Reconsideration.
Clerk transmitted the record to the Office of the Judicial Officer for a ruling on Respondents’ Petition to Reconsider. Based upon a careful consideration of the record, I deny Respondents’ Petition to Reconsider.

**CONCLUSION BY THE JUDICIAL OFFICER ON RECONSIDERATION**

Section 1.146(a)(3) of the Rules of Practice (7 C.F.R. § 1.146(a)(3)) provides a petition to reconsider must state specifically the matters claimed to be erroneously decided and briefly state the alleged errors. Respondents’ Petition to Reconsider does not state the matters claimed to be erroneously decided or the alleged errors in *In re Frank Craig*, __ Agric. Dec. ___ (Feb. 21, 2007). Instead, Respondents’ Petition to Reconsider consists of a series of allegations of United States Department of Agriculture wrong-doing that provides no basis for reconsideration of *In re Frank Craig*, __ Agric. Dec. ___ (Feb. 21, 2007).

For the foregoing reason and the reasons set forth in *In re Frank Craig*, __ Agric. Dec. ___ (Feb. 21, 2007), Respondents’ Petition to Reconsider is denied.

Section 1.146(b) of the Rules of Practice (7 C.F.R. § 1.146(b)) provides that the decision of the Judicial Officer shall automatically be stayed pending the determination to grant or deny a timely-filed petition to reconsider. Respondents’ Petition to Reconsider was timely filed and automatically stayed *In re Frank Craig*, __ Agric. Dec. ___ (Feb. 21, 2007). Therefore, since Respondents’ Petition to Reconsider is denied, I hereby lift the automatic stay, and the Order in *In re Frank Craig*, __ Agric. Dec. ___ (Feb. 21, 2007), is
reinstated; except that the effective date of the Order is the date indicated in the Order in this Order Denying Petition to Reconsider.

For the foregoing reasons, the following Order should be issued.

ORDER

Inspection services under title I of the Federal Meat Inspection Act and under the Poultry Products Inspection Act are suspended indefinitely from Respondents and Frank’s Wholesale Meats, its owners, officers, directors, operators, partners, affiliates, successors, and assigns, elected or incorporated. This Order shall become effective 30 days after service of the Order on Respondents.

Done at Washington, DC

March 29, 2007

______________________________
William G. Jenson
Judicial Officer