

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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

**PROCEDURAL HISTORY**

On February 21, 2007, I issued a Decision and Order indefinitely suspending inspection services under title I of the Federal Meat Inspection Act and under the Poultry Products Inspection Act from Frank Craig and Jean Craig, d/b/a Frank's Wholesale Meats [hereinafter Respondents].<sup>1</sup> On March 8, 2007, Respondents filed a petition to reconsider *In re Frank Craig*, \_\_\_ Agric. Dec. \_\_\_ (Feb. 21, 2007), which I denied.<sup>2</sup>

On March 13, 2008, Respondents filed a second petition to reconsider *In re Frank Craig*, \_\_\_ Agric. Dec. \_\_\_ (Feb. 21, 2007). On March 31, 2008, the Food Safety and Inspection Service, United States Department of Agriculture, filed a response in

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<sup>1</sup>*In re Frank Craig*, \_\_\_ Agric. Dec. \_\_\_ (Feb. 21, 2007).

<sup>2</sup>*In re Frank Craig* (Order Denying Pet. to Reconsider), \_\_\_ Agric. Dec. \_\_\_ (March 29, 2007).

opposition to Respondents' second petition to reconsider, and on April 1, 2008, the Hearing Clerk transmitted the record to the Office of the Judicial Officer to reconsider *In re Frank Craig*, \_\_\_ Agric. Dec. \_\_\_ (Feb. 21, 2007).

### **CONCLUSION BY THE JUDICIAL OFFICER ON RECONSIDERATION**

Section 1.146(a)(3) of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes [hereinafter the Rules of Practice] provides that a petition for reconsideration of the Judicial Officer's decision must be filed within 10 days after service of the decision, as follows:

**§ 1.146 Petitions for reopening hearing; for rehearing or reargument of proceeding; or for reconsideration of the decision of the Judicial Officer.**

(a) *Petition requisite. . . .*

. . . .

(3) *Petition to rehear or reargue proceeding, or to reconsider the decision of the Judicial Officer.* A petition to rehear or reargue the proceeding or to reconsider the decision of the Judicial Officer shall be filed within 10 days after the date of service of such decision upon the party filing the petition. Every petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

7 C.F.R. § 1.146(a)(3).

Respondents' second petition to reconsider, which Respondents filed approximately 1 year after the date the Hearing Clerk served the Decision and Order on

Respondents, was filed too late to be considered, and, accordingly, Respondents' second petition to reconsider must be denied.<sup>3</sup>

For the foregoing reason, the following Order is issued.

**ORDER**

Respondents' second petition to reconsider, filed March 13, 2008, is denied.

Done at Washington, DC

April 2, 2008

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William G. Jenson  
Judicial Officer

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<sup>3</sup>See *In re Heartland Kennels, Inc.* (Order Denying Second Pet. for Recons.), 61 Agric. Dec. 562 (2002) (denying, as late-filed, a petition for reconsideration filed 50 days after the Hearing Clerk served the respondents with the decision and order); *In re David Finch* (Order Denying Pet. for Recons.), 61 Agric. Dec. 593 (2002) (denying, as late-filed, a petition for reconsideration filed 15 days after the Hearing Clerk served the respondent with the decision and order); *In re JSG Trading Corp.* (Rulings as to JSG Trading Corp. Denying: (1) Motion to Vacate; (2) Motion to Reopen; (3) Motion for Stay; and (4) Request for Pardon or Lesser Sanction), 61 Agric. Dec. 409 (2002) (denying, as late-filed, a petition for reconsideration filed 2 years 2 months 26 days after the date the Hearing Clerk served the respondent with the decision and order on remand).