

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 11-0024
)
Eric John Drogosch,)
an individual,)
)
Respondent) **Ruling Regarding Petition to Reopen**

On April 25, 2011, Administrative Law Judge Jill S. Clifton [hereinafter the ALJ] issued a Decision and Order as to Only Eric John Drogosch by Reason of Default [hereinafter Default Decision]. On July 27, 2011, Mr. Drogosch filed a “Motion of Appeal.” On August 12, 2011, the ALJ issued an Order Vacating Default Decision Against Eric John Drogosch in which the ALJ: (1) found Mr. Drogosch’s July 27, 2011, filing is a petition to reopen hearing; (2) vacated the April 25, 2011, Default Decision; and (3) reopened the hearing as to Mr. Drogosch. On August 12, 2011, the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter the Administrator], filed “Complainant’s Response to Petition for Appeal” in which the Administrator responded to Mr. Drogosch’s July 27, 2011, petition to reopen hearing. On August 18, 2011, the Hearing Clerk transmitted the record to the

Office of the Judicial Officer for consideration of Mr. Drogosch's petition to reopen hearing.

As Mr. Drogosch filed the petition to reopen hearing prior to the filing of an appeal of the ALJ's April 25, 2011, Default Decision, the petition is a matter within the ALJ's jurisdiction. I have no jurisdiction to entertain Mr. Drogosch's petition to reopen hearing.¹

Done at Washington, DC

August 19, 2011

William G. Jenson
Judicial Officer

¹See 7 C.F.R. § 1.146(a)(1) (providing any petition to reopen hearing filed prior to the filing of an appeal of the administrative law judge's decision shall be ruled upon by the administrative law judge and any petition to reopen hearing filed after the filing of an appeal of the administrative law judge's decision shall be ruled upon by the Judicial Officer).