

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Laurance Kriegel and Kriegel, Inc.,)	Docket No. 12-0363
)
Plaintiffs)	
)
v.)	
)
U.S. Department of Agriculture,)	
Risk Management Agency,)	
Farm Service Agency, and)	
Office of the Assistant Secretary)	
for Civil Rights,)	
)
Defendants)	Order Dismissing Appeal

PROCEDURAL HISTORY

On April 11, 2012, Laurance Kriegel and Kriegel, Inc. [hereinafter Plaintiffs], filed a pleading entitled “Civil Rights Violations Equal Rights Opportunity Violation 2009 FCIC EEO Review 2010W000084” with the Office of the Hearing Clerk, Office of Administrative Law Judges, United States Department of Agriculture [hereinafter the Hearing Clerk]. The Plaintiffs: (1) assert they were discriminated against on the basis of religion; (2) request that all previous administrative decisions be set aside and the programs be reviewed since 2003;

(3) request a correct lawful program benefit payment; (4) request that the yields on Farm 893 be raised to 1,500 pounds per acre for cotton, 200 bushels per acre for corn, 100 bushels per acre for wheat, and 130 bushels per acre for grain sorghum; and (5) request damages of four times the amount of program benefit payments not received.

On January 10, 2013, Administrative Law Judge Peter M. Davenport [hereinafter the ALJ] issued a “Memorandum Opinion and Order of Dismissal” in which he dismissed the Plaintiffs’ action based upon the ALJ’s lack of jurisdiction to hear the action. On February 19, 2013, the Plaintiffs filed a “Notice of Appeal from the Administrative Law Judges Memorandum Opinion and Order of Dismissal” [hereinafter Appeal Petition]. On February 19, 2013, the Office of the Secretary filed an “Agency Response to Notice of Appeal” requesting that the Office of the Administrative Law Judges deny the Plaintiffs’ Appeal Petition based upon lack of jurisdiction over this action. On February 21, 2013, the Hearing Clerk transmitted the record to the Office of the Judicial Officer for consideration and decision.

DECISION

The Secretary of Agriculture has delegated authority to the Judicial Officer to act as final deciding officer in the adjudicatory proceedings identified in 7 C.F.R. § 2.35. The Plaintiffs do not assert that this proceeding is an adjudicatory proceeding identified in 7 U.S.C. § 2.35, and, after a careful review of the record, I find the action instituted by the Plaintiffs is

not one of the proceedings identified in 7 C.F.R. § 2.35. Therefore, I have no jurisdiction to hear Plaintiffs' Appeal Petition and the Appeal Petition must be dismissed for lack of jurisdiction.

For the foregoing reasons, the following Order is issued.

ORDER

Plaintiffs' Appeal Petition filed February 19, 2013, is dismissed. This Order shall be effective upon service on the Plaintiffs.

Done at Washington, DC

February 26, 2013

William G. Jenson
Judicial Officer