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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 11-0384

In re: Welch Stockyards, LLC and
Darrel R. Clark,

Respondents

Miscellaneous Order

This matter was previously before the Administrative Law Judge upon a post decision Motion of the Complainant seeking clarification of procedural requirements. In the Motion, the Complainant indicated that the Default Decision and Order entered against the Respondents in this action had been entered without affording the Respondents 20 days in which to file objections to the Proposed Decision which Complainant had submitted.

In my prior Order deferring a ruling on the Motion it was noted that Respondents had been afforded an opportunity on at least five occasions to object to the proceedings either by filing an Answer to the Complaint or raising objection to a decision being entered.¹ At the time, the time to appeal the Default Decision and Order had not yet run. As the Default Decision and Order was served upon the Respondents on November 17, 2011 and the time for appeal has since elapsed, without objection to entry of the Default Decision and Order, the Respondents will be deemed to have waived any procedural

¹ The record is silent as to whether Complainant's Response to the Show Cause Order was in fact served on Respondents. It is the Hearing Clerk's practice to serve copies of all pleadings upon the parties; however, the routing slip normally used to document such service is not present.

deficiency and the Default Decision and Order shall become final without further proceedings.

Copies of this Order will be served upon the parties by the Hearing Clerk.

January 18, 2012



Peter M. Davenport
Chief Administrative Law Judge

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