

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

**JAMES HAROLD HUMMEL,

Respondent.**

**Docket No. FMCSA-2013-0446¹
(Midwestern Service Center)**

ORDER GRANTING EXTENSION OF TIME

On March 26, 2013, the Minnesota Division Administrator, Federal Motor Carrier Safety Administration (FMCSA), issued a Notice of Claim for \$490 to Respondent, James Harold Hummel, charging him with having operated a commercial motor vehicle without a valid commercial driver's license, in violation of 49 CFR 383.23(a).² On April 10, 2013, Respondent replied to the Notice of Claim, denying the alleged violation and requesting a formal hearing. He asked for a copy of the documentary evidence relied upon by the Division Administrator to support his Statement of Charges. Respondent provided his defenses and stated that he would provide the material issues of fact in dispute as well as additional affirmative defenses after he received the requested documentary evidence.³

On November 8, 2013, Claimant, the Field Administrator for FMCSA's Midwestern Service Center, moved for a final agency order, submitting his evidence and

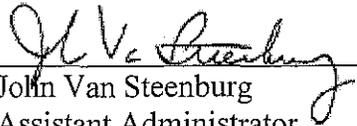
¹ The prior case number in this matter was MN-2013-0101-MN0675.

² See Exhibit A to "Field Administrator's Motion for Final Order, Argument and Evidence in Support, and Objection to Request for Formal Hearing," November 8, 2013 (Claimant's Motion for Final Order).

³ See Exhibit B to Claimant's Motion for Final Order.

objecting to Respondent's request for hearing.⁴ On December 18, Respondent moved to extend the deadline to respond to Claimant's Motion for Final Order for 20 days, "up to and including January 20, 2014."⁵ Respondent stated that he had worked diligently to respond to the Motion for Final Order, but he needs additional time to finalize his response. Counsel for Respondent stated that he was unable to reach counsel for Claimant to obtain his consent. Nevertheless, for good cause shown, the Motion to Extend the Deadline is granted. Moreover, I am extending the deadline until Monday, February 3, 2014 so that the parties may receive adequate notice of the extension.

It Is So Ordered.


John Van Steenburg
Assistant Administrator
Federal Motor Carrier Safety Administration

1/22/14
Date

⁴ Prior to Claimant's Motion for Final Order, the parties had agreed to four 30-day extensions in an attempt to settle the matter; their efforts proved unsuccessful.

⁵ Because January 20, 2014 is a Federal holiday, the requested extension should have been until January 21, 2014. *See* 49 CFR 386.8(a).

CERTIFICATE OF SERVICE

This is to certify that on this 24 day of January, 2014, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

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