

**Department of Justice  
Executive Office for United States Trustees**

**Final Agency Action  
Case No. 98-0001**

**Review of the Decision of the  
United States Trustee for Region [REDACTED]  
Regarding [REDACTED]**

*via telecopy and regular mail*

Mr. [REDACTED]  
[REDACTED]  
[REDACTED]

Dear Mr. [REDACTED]:

I am writing in response to your March 10 and 11, 1998 letters to Director Patchan. In them you inquire whether administrative review is available, pursuant to 28 C.F.R. 58.6(i), to contest the United States Trustee for Region 2's decision to reappoint you to the panel of chapter 7 trustees for a time period ending April 30, 1998. The United States Trustee issued that decision to you in a letter dated February 19, 1998. That letter states you were reappointed for a Limited Reappointment Period – through April 30 – so the United States Trustee could continue evaluating your performance.

The Program's administrative review provisions took effect on November 3, 1997, and are effective for any cessation of the assignment of cases that arise after that date. 62 Fed. Reg. 51740 (Oct. 2, 1997). A so-called Limited Reappointment Period does not fall under the rule because it does not result in the cessation of the assignment of cases. It simply establishes the time period for which you are assigned to the panel.

The United States Trustee's February 19 letter does note that you were suspended from active case rotation on May 1, 1997. The February 19, 1998, letter references that prior suspension and notes that prior suspension remained in effect. Accordingly, the administrative rules do not apply to case cessations, like this one, that arose prior to November 3, 1997. However, if the United States Trustee were to issue a notice of non-renewal you would, at that time, have the right to file a timely request for review pursuant to 28 C.F.R. 58.6(i) and the right to obtain administrative review of that non-renewal decision. At that

time, you would, of course, have the opportunity to present all issues which you believe are relevant and should be considered.

Your letter also indicates that you would like to meet with the Executive Office regarding the United States Trustee's limited reappointment. Although I would be glad to meet with you to discuss this matter, at this time it might be more productive for you to continue your efforts to resolve this situation first with the United States Trustee's office. However, if you decide that you would still like to meet with me, please contact my office to arrange a mutually convenient time and place.

Very truly yours,

Kevyn D. Orr  
Deputy Director

cc: Joseph Patchan  
Director

[REDACTED]  
United States Trustee  
for Region [REDACTED]

[REDACTED]  
Assistant U.S. Trustee  
for Region [REDACTED]