

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

In re:	)	
	)	<b>AWG Docket No. 09-0102</b>
Rashon Carruthers,	)	
	)	
Petitioner	)	<b>Decision and Order</b>

1. The hearing was held on August 19, 2009 and on September 30, 2009. Rashon Carruthers, the Petitioner (“Ms. Carruthers”) represented herself (appeared *pro se*). Rural Development, an agency of the United States Department of Agriculture (USDA), is the Respondent (“USDA Rural Development”) and was represented by Esther McQuaid.

2. Both parties are thanked for their excellent presentations of evidence and their full cooperation, and for their helpfulness in suggesting ideas for future progress in repayment. I STRONGLY RECOMMEND and USDA Rural Development does not object, that the collection agency work with Ms. Carruthers to **establish a repayment schedule** rather than immediately proceeding with garnishment, even though this Decision authorizes garnishment, up to 15% of Ms. Carruthers’ disposable pay.

Summary of the Facts Presented

3. Ms. Carruthers owes to USDA Rural Development a balance of **\$5,377.00** (as of July 16, 2009) in repayment of unauthorized rental assistance which totaled \$10,085.00 (“the debt”) at Pinecrest Apartments for 21 months from October 1, 2005 through June 30, 2007 (*see* USDA Rural Development Exs., esp. Ex. 3, p. 1).

4. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects) on \$5,377.00 would increase the current balance to \$6,882.56.

5. Ms. Carruthers’ fellow lessee (co-tenant) Robert Butler, also known as Robert Butler, Jr. (“Mr. Butler”), is not a party to this case, but the evidence shows that Mr. Butler was and is jointly liable for the \$10,085.00 debt plus potential Treasury fees in the amount of 28%, and by notarized document dated July 21, 2009, Mr. Butler took “sole responsibility for the debt amount \$8,807.68 or the outstanding balance owed to the originating agency, Rural Development - United States Department of Agriculture (USDA) . . .” (*see* Ms. Carruthers’ Exs., esp. PX 1, p. 1).

6. Ms. Carruthers' and Mr. Butler's joint liability (for the \$10,085.00 debt plus collection costs such as the 28% Treasury fees) does not impede collection of the full amount from only one of the lessees (co-tenants), even when more than half, or even all, is collected from that one.

7. Ms. Carruthers may be able to recover all or a portion from Mr. Butler of what she has paid and will pay (in repayment of the debt plus collection costs such as the 28% Treasury fees).

8. Ms. Carruthers' disposable pay supports garnishment, up to 15% of Ms. Carruthers' disposable pay. *See* Ms. Carruthers' Pay Stubs for May, June, and July 2009, filed August 28, 2009, plus Ms. Carruthers' testimony.

#### Findings, Analysis and Conclusions

9. The Secretary of Agriculture has jurisdiction over the parties, Ms. Carruthers and USDA Rural Development; and over the subject matter, which is administrative wage garnishment.

10. Ms. Carruthers owes the debt described in paragraphs 3 and 4.

11. Ms. Carruthers' disposable pay described in paragraph 8 supports garnishment, up to 15% of Ms. Carruthers' disposable pay (within the meaning of 31 C.F.R. § 285.11); and Ms. Carruthers has no circumstances of financial hardship (within the meaning of 31 C.F.R. § 285.11).

#### Order

12. Until the debt is fully paid, Ms. Carruthers shall give notice to USDA Rural Development or those collecting on its behalf, of any changes in her mailing address; delivery address for commercial carriers such as FedEx or UPS; FAX number(s); phone number(s); or e-mail address(es).

13. USDA Rural Development, and those collecting on its behalf, are authorized to proceed with garnishment, up to 15% of Ms. Carruthers' disposable pay.

Copies of this Decision shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.  
this 1<sup>st</sup> day of October 2009

s/ Jill S. Clifton

Jill S. Clifton  
Administrative Law Judge

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