

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 09-0153
)
ShaRonda L. Brown a/k/a)
Shonda Brown)
Petitioner)

Decision and Order

This matter is before me upon the request of the Petitioner, ShaRonda L. Brown a/k/a Shonda Brown for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against Petitioner. On July 23, 2009, I issued a Pre-hearing Order requiring the parties to exchange information concerning the nature of the debt and the ability of Petitioner to repay all or part of the debt, if established.

I conducted a telephone hearing at the established time on October 1, 2009. USDA Rural Development Agency (RD) was represented by Gene Elkin, Esq. and Esther McQuaid testified on behalf of the RD agency. The witnesses were sworn in. Ms. McQuaid stated that she was unable to make phone contact because no phone number was provided by Petitioner in her July 8, 2009 request for hearing. Ms. McQuaid also received no replies from emails sent to the email address (sharonda60@*****.com¹) provided by Petitioner. Also Ms. McQuaid attempted to further contact Petitioner at her stated address and was able to complete delivery via a Federal Express envelope (Tracking # 7978792814##)², but again no reply was received from Petitioner.

Petitioner did not make herself available to be contacted via telephone on the date and

¹Complete address maintained in USDA files.

²Complete FedEx number maintained in USDA files.

time set for the hearing. RD had filed a copy of a Narrative along with exhibits on August 27, 2009 with the OALJ Hearing Clerk and certified that it mailed a copy of the same to Petitioner.

Petitioner submitted no documents or exhibits pursuant to the Pre-Hearing Order. Petitioner owes \$3,179.93 on the USDA RD Rental Assistance Program as of August 18, 2009, and in addition, fees due the US Treasury of \$890.38 pursuant to the terms of the repayment agreement.

Findings of Fact

1. On February 14, 2005, Petitioner ShaRonda Brown (and her then roommate, Claude Harrison) obtained USDA Rural Development Rental Assistance for an apartment located at Indian Hills Apartments, Apt # 128 ***, SC 29####³. Both Petitioner and Mr. Harrison made affidavits as to their income and employment status.

2. Upon reliable information, RD determined on October 29, 2007 that Petitioner received unauthorized (Rental) Assistance. RD-6.

3. On May 18, 2009 Petitioner was sent a Notice of Intent to Garnish her wages.

4. Petitioner requested an Oral Hearing on July 8, 2009 which included an email address (see above) but no phone number and a new address in Smyrna, DE 19977.

5. The amount of unauthorized rent was \$4,319.00. RX-6. USDA has received \$1,139.07 in payments from Treasury after their fees were deducted. USDA applied this amount to tenant's account. The balance due USDA as of August 18, 2009 is \$3,179.93 on the USDA RD Rental Assistance Program, and in addition, fees due the US Treasury of \$890.38 pursuant to the terms of the repayment agreement. (Ms. McQuaid testimony).

6. Although Petitioner's written request for hearing complained that Mr. Harris was not

³Complete address maintained in USDA files.

being pursued for the funds, she was not only individually liable, but she certified information about Mr. Harris that was materially false upon which the government relied. Sec. 1001 of Title 18 U.S.C.

7. ShaRonda L. Brown is jointly and severally liable for the unauthorized rental assistance under the terms of the repayment agreement.

Conclusions of Law

1. Petitioner ShaRonda L. Brown is indebted to USDA's Rural Development program in the amount of \$3,179.93.

2. In addition, Petitioner is indebted for fees to the US Treasury which are currently \$890.38.

3. All procedural requirements for administrative wage garnishment set forth in 31 C.F.R. § 285.11 have been met.

4. The USDA Rural Development Agency (RD) is entitled to administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, provided the requirements of 31 C.F.R. § 288.11(j) have been met, the wages of the Petitioner, ShaRonda L. Brown, shall be subject to administrative wage garnishment at the rate of 15% of disposable pay, or such lesser amount as specified in 31 C.F.R. § 285.11(i)

Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk's office.

JAMES P. HURT
Hearing Official

October 5, 2009