

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) **AWG Docket No. 10-0093**
Patricia A. Denonn)
)
Petitioner) **Decision and Order**

1. The hearing was held on Tuesday, March 23, 2010, by telephone, as scheduled. Ms. Patricia A. Denonn, the Petitioner (“Ms. Denonn”) 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 Mary E. Kimball and Gene Elkin. Also present throughout the call, were Legal Secretary Marilyn Kennedy, who works with me; and a Legal Services representative who is providing Ms. Denonn with assistance.

2. The address for USDA Rural Development for this case is

Mary E. Kimball, Branch Accountant
USDA / RD New Program Initiatives Branch
Bldg 105 E, FC-22, Post D-2
4300 Goodfellow Blvd
St Louis MO 63120-1703

mary.kimball@stl.usda.gov 314.457.5592 phone
314.457.4426 FAX

3. Ms. Denonn requested the hearing, writing that she does not owe the debt. Based on (1) the testimony of Ms. Kimball, and (2) Exhibits RX 1 through RX 6, which I admit into

evidence, plus (3) the contents of the Narrative, Witness & Exhibit List, filed March 12, 2010, I find that Ms. Denonn DOES owe the debt, as described below in paragraph 6 and paragraph 7.

4. Ms. Denonn testified that she is working with an attorney to file Chapter 7 Bankruptcy, and that she, Ms. Denonn, is assisting to obtain pertinent information such as that kept by the credit reporting agencies. Ms. Denonn testified that she is disabled and receives social security disability; that she receives vocational rehabilitation services; and that she works as an “on-call” fill-in (for those on vacation or sick) for a group home for those with mental challenges. After hearing Ms. Denonn’s testimony, USDA Rural Development agreed to my ordering a 90-day suspension of garnishment proceedings.

5. My 90-day suspension order will not affect any repayment of the debt through *offset* of Ms. Denonn’s **income tax refunds** or other **Federal monies** payable to the order of Ms. Denonn.

Summary of the Facts Presented

6. Ms. Denonn owes to USDA Rural Development a balance of **\$34,401.25** (as of March 23, 2010). *See* USDA Rural Development Exhibits, esp. RX 6, plus Ms. Kimball’s testimony that an additional \$721 obtained by *offset* is subtracted (\$737 less the \$16 fee).

7. Potential Treasury fees in the amount of 28% of \$34,401.25 (\$9,632.35 in potential Treasury fees; the collection agency keeps 25% of what it collects) would increase the current balance of Ms. Denonn’s debt to USDA Rural Development at Treasury to \$44,033.60.

8. **During a 90-day suspension of garnishment proceedings**, consideration of whether Ms. Denonn's disposable pay supports garnishment, up to 15% of Ms. Denonn's disposable pay (within the meaning of 31 C.F.R. § 285.11), is DEFERRED, together with consideration of whether Ms. Denonn has circumstances of financial hardship (within the meaning of 31 C.F.R. § 285.11).

Findings, Analysis and Conclusions

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

10. Ms. Denonn owes the debt described in paragraphs 6 and 7.

Order

11. Until the debt is fully paid, or is fully discharged in Bankruptcy, Ms. Denonn 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).

12. USDA Rural Development, and those collecting on its behalf, shall **not** proceed with garnishment, through **June 21, 2010**, which is 90 days from March 23, 2010. Before then, if I am notified that Ms. Denonn has filed for Chapter 7 Bankruptcy, I will entertain a request to order this case dismissed (without prejudice to Ms. Denonn to request a hearing timely, should garnishment be noticed). If not, beginning June 22, 2010, I will resume my determination, if requested, of whether Ms. Denonn's disposable pay supports garnishment.

Copies of this Decision shall be served by the Hearing Clerk upon each of the parties, with a COURTESY COPY mailed to Legal Services at the address shown below.

Done at Washington, D.C.
this 25th day of March 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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Burlington VT 05401

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