

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 10-0159
)
Elizabeth Dittmar)
)
Petitioner)

Final Decision and Order

This matter is before me upon the request of the Petitioner, Elizabeth Dittmar, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against her. On March 23, 2010, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt.

I conducted a telephone hearing at the scheduled time on June 3, 2010. USDA Rural Development Agency (RD) was represented by Mary Kimball who testified on behalf of the RD agency.

Petitioner was present and was self represented.

The witnesses were sworn in. RD had filed a copy of a Narrative along with exhibits RX-1 through RX-3 on May 19, 2010 with the OALJ Hearing Clerk and certified that it mailed a copy of the same to Petitioner. Ms. Dittmar stated that she received RD's Exhibits and witness list. RD filed a revised Narrative and Exhibits RX-1 through RX-4 on June 4, 2010 which reflected changes to RX-3 and additional exhibit RX-4 to correspond with Ms. Kimball's oral testimony and on June 9, 2010 filed a single line amendment to the Narrative.

Petitioner owes \$12,806.89 on the USDA RD loan as of today, and in addition, potential fees of \$3,585.93 due the US Treasury pursuant to the terms of the Promissory Note.

Findings of Fact

1. On June 7, 1994, Petitioner, Elizabeth Dittmar obtained a USDA RD home mortgage loan for property located at 18## Second Avenue, Ladoochee, FL 335**.¹ Petitioner was a signor to an Assumption agreement for \$35,000. RX-1 @ p.3 of 3.

2. The Petitioner's loan became delinquent as of May 30, 1997. The property was sold for \$34,800. After the funds of the sale were posted, Petitioner owed \$15,301.38. RX – 3. There was a prior debt settlement chargeoff of \$4,100.30 added back to the account and an adjustment of interest of \$3,170.11 in Petitioner's favor on May 17, 2010. RX-3 (Revised).

3. Petitioner is liable on the debt under the terms of the Promissory Note.

4. Treasury received additional offset payments totally \$3,424.68. Narrative, RX-3 (Revised) so that the balance remaining is \$12,806.89. Narrative, RX-3 (Revised).

5. The potential fees due U.S. Treasury pursuant to the Loan Agreement are \$3,585.93. Narrative, RX-4.

6. Petitioner stated that she is currently employed for more than one year by a part-time job but not more than one year from her full time job. Petitioner's testimony.

7. Petitioner did not raise issues of financial hardship but instead desired to make payment arrangements with Treasury.

Conclusions of Law

1. Petitioner Elizabeth Dittmar is indebted to USDA's Rural Development program in the amount of \$12,806.89.

2. In addition, Petitioner is indebted for potential fees to the US Treasury in the amount

¹Complete address maintained in USDA records.

of \$3,585.93.

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

4. Petitioner is under a duty to inform USDA's Rural Development of her current address, employment circumstances, and living expenses.

5. RD is entitled to garnish the wages of Petitioner at the rate of 15% of the disposable monthly income.

Order

The requirements of 31 C.F.R. ¶ 288.11(i) & (j) have been met. RD is entitled to garnish the wages of Petitioner at the rate of 15% of her disposable monthly income.

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

JAMES P. HURT
Hearing Official

June 14, 2010