

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	AWG Docket No. 10-0101
Mary Ellen Nebesky,)	
n/k/a Mary Bodolus)	
)	
Petitioner)	Decision and Order

1. The hearing was held by telephone on July 21, 2010. Mary Ellen Nebesky, now known as Mary Bodolus, the Petitioner (“Petitioner Bodolus”), participated, representing herself. 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.

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
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Summary of the Facts Presented

3. Petitioner Bodolus owes to USDA Rural Development a balance of **\$8,375.07** (as of July 21, 2010) in repayment of two real estate loans made in May 1985 and August 1990 (“the debt”). *See* USDA Rural Development Exhibits and Narrative.

4. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects) on **\$8,375.07** would increase the current balance by \$2,345.02, to \$10,720.09. *See* USDA Rural Development Exhibits, and testimony.

5. Petitioner Bodolus's testimony and exhibits prove that she works as a nurse but recently was on short-term disability because of her emergency gall bladder removal on June 12, 2010, and she lost four days' pay and was off work for nearly a month. Further, her husband is on social security disability and has no other income.

6. Petitioner Bodolus is responsible and willing and able to negotiate the disposition of the debt with Treasury's collection agency.

Discussion

7. I encourage **Petitioner Bodolus and the collection agency to negotiate promptly** the repayment of the debt. Meanwhile, **through January 31, 2011, NO garnishment is authorized.** See paragraph 5.

8. Petitioner Bodolus inquired whether the co-borrower's income tax refunds were applied to the debt. If any further evidence in that regard is submitted which would require me to amend this Decision and Order, I will do so.

Findings, Analysis and Conclusions

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

10. Petitioner Bodolus owes the debt described in paragraphs 3 and 4.

11. **Through January 31, 2011, NO garnishment is authorized.** 31 C.F.R. § 285.11.

Order

12. Until the debt is repaid, Petitioner Bodolus 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 **NOT** authorized to proceed with garnishment **through January 31, 2011.**

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

Done at Washington, D.C.
this 22nd day of July 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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