

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0245

In re: ANNA CLARK BYRD,
formerly ANNA M. CLARK,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Anna Clark Byrd for a hearing to address the existence or amount of a debt alleged to be due, and if established, the terms of any repayment prior to imposition of an administrative wage garnishment. On July 1, 2010, a Prehearing Order was entered to facilitate a meaningful conference with the parties as to how the case would be resolved, to direct the exchange of information and documentation concerning the existence of the debt, and setting the matter for a telephonic hearing on August 12, 2010.

The Respondent complied with that Order and a Narrative was filed and appears in the record, together with supporting documentation. The Petitioner filed her documentation with the Hearing Clerk on July 26, 2010. The material filed by the Petitioner contained information concerning her financial condition, with only minimal income and modest expenses which place her in the hardship category.

On the basis of the entire record before me, the following Findings of Fact, Conclusions of Law and Order will be entered.

Findings of Fact

1. On January 21, 1985, the Petitioner received a home mortgage loan in the amount of \$36,730.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Industry, Pennsylvania . RX-1.
2. The property was sold at a short sale on August 2, 1996 with proceeds realized from that sale in the amount of \$14,299.65, leaving a balance due of \$39,135.52. RX-3.
3. Treasury offsets totaling \$1,921.71 exclusive of fees have been received. RX-3.
4. The remaining unpaid debt is in the amount of \$22,914.16, exclusive of potential Treasury fees. RX-4.
5. The Petitioner has minimal income, modest expenses and is under a financial hardship at this time.

Conclusions of Law

1. Anna Clark Byrd is indebted to USDA Rural Development in the amount of \$\$22,914.16, exclusive of potential Treasury fees for the mortgage loan extended to her.
2. By reason of financial hardship, administrative wage garnishment is not appropriate at this time.
3. The Respondent is **NOT** entitled to administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the administrative wage garnishment proceedings are **ORDERED** terminated and should be reinstated only after a review of her financial condition.

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

Done at Washington, D.C.

PETER M. DAVENPORT
Chief Administrative Law Judge

Copies to: Anna Clark Byrd
 Mary Kimball
 Dale Theurer

Hearing Clerk's Office
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 1031, South Building
Washington, D.C. 20250-9203
202-720-4443
Fax: 202-720-9776