

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0255

In re: ANGELA F. FISHER,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Angela F. Fisher 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 16, 2010. Included in the Order was language advising the Petitioner that failure to comply with the requirements of the Order could result in the case being decided on the record.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation. The Petitioner failed to comply with the requirements of the Order to contact the Office of Administrative Law Judges with a working telephone number and did not file the Consumer Debtor Financial Statement or any other information regarding the debt. In the materials requesting a hearing, the Petitioner

disputed the terms of the garnishment, indicating that Treasury has taken her tax refunds for 10 years or more. In view of the Petitioner's failure to comply with the Pre Hearing Order, she will be deemed to have waived her right to a hearing and the matter will be decided upon the record. 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 December 21, 1989, the Petitioner received a home mortgage loan in the amount of \$28,000.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Okeechobee, Florida. RX-1.
2. The property was sold at a foreclosure sale on June 19, 1997 with proceeds realized from that sale in the amount of \$14,093.63, leaving a balance due of \$. RX-3.
3. Treasury offsets totaling \$8,393.30 exclusive of Treasury fees have been received. RX-3.
4. The remaining unpaid debt is in the amount of \$5,085.53, exclusive of potential Treasury fees. RX-4.

Conclusions of Law

1. Angela F. Fisher is indebted to USDA Rural Development in the amount of \$5,085.53, exclusive of potential Treasury fees for the mortgage loan extended to him/her.
2. All procedural requirements for administrative wage offset set forth in 31 C.F.R. §285.11 have been met.
3. The Respondent is entitled to administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the wages of the shall be subjected to administrative wage garnishment at the rate of 15% of disposable pay, or such lesser amount as might be 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.

Done at Washington, D.C.
August 17, 2010

PETER M. DAVENPORT
Chief Administrative Law Judge

Copies to: Angela F. Fisher
Mary Kimball
Dale Theurer

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