

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	AWG Docket No. 10-0252
Juanita Utz, n/k/a)	
Juanita Berg)	
)	
Petitioner)	Decision and Order

1. The telephone hearing was held on August 17, 2010. Juanita Utz, now known as Juanita Berg, the Petitioner (“Petitioner Berg”), participated, together with Marnie E. Fearon, Esq., who represents her. Scott Berg and Carol Haro also participated. The Respondent Agency is Rural Development, United States Department of Agriculture (“USDA Rural Development”). USDA Rural Development was represented by Mary E. Kimball and Gene Elkin.

Findings, Analysis and Conclusions

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

3. Petitioner Berg, then known as Juanita N. Utz, promised on January 6, 2004 (*see* RX-1, esp. p. 2) to reimburse USDA Rural Development. Thereafter, Petitioner Berg filed for Chapter 7 bankruptcy on August 2, 2004, in the U.S. Bankruptcy Court, District of Minnesota, Case Number 04-34493-DDO. Discharge of Debtor was ordered on November 2, 2004. *See* August 18, 2010 filing from Ms. Fearon.

4. The Discharge Order eliminated Petitioner Berg’s obligation to pay USDA Rural Development.

Order

5. USDA Rural Development shall not pursue any effort to collect from Petitioner Berg based on her promise on January 6, 2004 (*see* RX-1, esp. p. 2). That obligation was discharged in bankruptcy.

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties, including BOTH **Petitioner Berg AND Petitioner Berg's attorney.**

Done at Washington, D.C.
this 23rd day of August 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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