

5. Petitioner Perry's testimony and the testimony of her brother Douglas Perry, plus Petitioner's 5-page Narrative Response, plus Proposed Exhibit List, plus Petitioner Perry's exhibits numbered PX-1 through PX-10, are all admitted into evidence. The documents were filed post-hearing on August 23, 2010, and a copy of them was before Ms. Kimball during the hearing. The evidence proves that Petitioner Perry's disposable pay does not support garnishment, which would create hardship. 31 C.F.R. § 285.11.

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

Discussion

7. Through March 1, 2011, NO garnishment is authorized. *See* paragraph 5. I encourage **Petitioner Perry and the collection agency** to **negotiate promptly** the repayment of the debt. Petitioner Perry, this will require **you** to telephone the collection agency about two to three weeks after you receive this Decision. You are welcome to include your brother Douglas Perry, or anyone else you choose, in the telephone call(s) with the collection agency. The toll-free number for you to call is **1-888-826-3127**. Petitioner Perry, you may choose to offer to the collection agency to compromise the debt for an amount you are able to pay, to settle the claim for less.

8. Petitioner Perry has made progress repaying the debt, primarily through *offset* in March 2010.

Findings, Analysis and Conclusions

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

10. The Release of Real Estate Mortgage executed in 2009 to facilitate the short sale included: "The underlying debt secured by the mortgage hereby release has not been paid in full and this instrument should not be construed otherwise." RX-7 p. 1. *See also* RX-9.

11. Petitioner Perry owes the debt described in paragraphs 3 and 4.

12. **Through March 1, 2011, NO garnishment is authorized.** 31 C.F.R. § 285.11.

13. This Decision does not prevent repayment of the debt through *offset* of Petitioner Perry's **income tax refunds** or other **Federal monies** payable to the order of Ms. Perry.

Order

14. Until the debt is repaid, Petitioner Perry 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).

15. USDA Rural Development, and those collecting on its behalf, are **NOT** authorized to proceed with garnishment **through March 1, 2011**.

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

Done at Washington, D.C.
this 26th day of August 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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