

balance by \$8,223.71, to \$37,594.12. *See* USDA Rural Development Exhibits, esp. RX-6, pages 1 and 2, which have to be added together.

5. Petitioner Coley's testimony and Consumer Debtor Financial Statement (filed September 27, 2010), which are admitted into evidence, prove that she works 35 hours per week as a Cashier and is paid roughly [REDACTED] hour, gross. Petitioner Coley testified that she receives food stamps and that her 3 children who live with her are on Medicaid.

6. Petitioner Coley's disposable pay does not support garnishment, which would create hardship. 31 C.F.R. § 285.11.

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

Discussion

8. Through October 31, 2011, NO garnishment is authorized. *See* paragraphs 5 and 6. I encourage **Petitioner Coley and the collection agency to negotiate promptly** the repayment of the debt. Petitioner Coley, this will require **you** to telephone the collection agency after you receive this Decision. Petitioner Coley, you may ask to be considered for "disability inability to pay." The toll-free number for you to call is **1-888-826-3127**.

9. Petitioner Coley has made progress repaying, primarily through her income tax refunds, in 2004, 2007, and 2008. RX-5.

Findings, Analysis and Conclusions

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

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

12. **Through October 31, 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 Coley's **income tax refunds** or other **Federal monies** payable to the order of Ms. Coley.

Order

14. Until the debt is repaid, Petitioner Coley 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 October 31, 2011**.

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

Done at Washington, D.C.
this 29th day of October 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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