

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

In re:	)	
	)	<b>AWG Docket No. 10-0400</b>
Nemonia Gillaspie	)	
	)	
Petitioner	)	<b>Order Dismissing Garnishment Proceedings</b>

1. The hearing by telephone was held on November 4, 2010. Ms. Nemonia Gillaspie, the Petitioner (“Petitioner Gillaspie”), participated, representing herself (appearing *pro se*). Rural Development, an agency of the United States Department of Agriculture (USDA), is the Respondent (“USDA Rural Development”) and is represented by Mary E. Kimball.

Summary of the Facts Presented

2. Petitioner Gillaspie’s testimony and Consumer Debtor Financial Statement (filed October 26, 2010), which are admitted into evidence, prove that she is disabled and receives ***Supplemental Security Income (SSI)***. She testified that she has no other source of income. [I encouraged her to apply for food stamps.]

3. Payments under Supplemental Security Income (SSI) are **not eligible for garnishment**.

4. Petitioner Gillaspie’s testimony proves that her \$829.00 per month SSI payment, which is her only income, is entirely consumed by her reasonable and necessary living expenses, and that her chronic pain and disability have persisted since about 2001.

5. Petitioner Gillaspie is responsible and willing and able to negotiate with Treasury’s collection agency.

Discussion

6. I encourage **Petitioner Gillaspie and the collection agency** to **negotiate promptly** regarding the debt that USDA Rural Development asserts is owed. Petitioner Gillaspie, this will require **you** to telephone the collection agency after you receive this Order. Petitioner

Gillaspie, you may ask to be considered for “disability inability to pay.” The toll-free number for you to call is **1-888-826-3127**.

7. The address for USDA Rural Development for this case is

Mary E. Kimball, Branch Accountant  
USDA / RD New Program Initiatives Branch  
Bldg 105 E, FC-22, Post D-2  
4300 Goodfellow Blvd  
St Louis MO 63120-1703

[mary.kimball@stl.usda.gov](mailto:mary.kimball@stl.usda.gov) 314.457.5592 phone  
314.457.4426 FAX

#### Findings, Analysis and Conclusions

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

9. Administrative wage garnishment is ***not authorized***, because Petitioner Gillaspie’s only income is **SSI**.

#### Order

10. USDA Rural Development, and those collecting on its behalf, are **NOT** authorized to proceed with garnishment.

Copies of this Order Dismissing Garnishment Proceedings shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.  
this 5<sup>th</sup> day of November 2010

Jill S. Clifton

Jill S. Clifton  
Administrative Law Judge

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