

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0334

In re: Cheryl Patterson,
Petitioner

Decision and Order

This matter is before the Administrative Law Judge upon the request of Cheryl Patterson 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 August 30, 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 November 10, 2010.

The Respondent previously filed a Narrative together with supporting documentation on July 28, 2010. The Petitioner failed to provide the Judge's office with a telephone number as directed in the Prehearing Order and has not provided any additional information subsequent to the filing of a request for a hearing. Noting the non-compliance with the Prehearing Order and having received nothing further from the Petitioner, her request for a hearing will be deemed waived 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 August 5, 1994, the Petitioner received a home mortgage loan in the amount of \$60,780.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Covington, Tennessee. RX-1.
2. The property was sold at a foreclosure sale on February 20, 2001 with proceeds realized from that sale in the amount of \$42,123.63, leaving a balance due of \$29,297.88. RX-3.
3. The remaining unpaid debt is in the amount of \$29,303.23 exclusive of potential Treasury fees. RX-4.

Conclusions of Law

1. Cheryl Patterson is indebted to USDA Rural Development in the amount of \$29,303.23 exclusive of potential Treasury fees for the mortgage loan extended to 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 Cheryl Patterson 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.

Peter M. Davenport
Chief Administrative Law Judge

Date: November 10, 2010

Copies to: Cheryl Patterson
Mary Kimball
Dale Theurer

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