

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0316

In re: Calvin E. Bradford,
Petitioner

Decision and Order

This matter is before the Administrative Law Judge upon the request of Calvin E. Bradford 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 27, 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 3, 2010. At the request of the Legal Aid of Wyoming, Inc.'s request, the hearing was rescheduled for November 22, 2010.

The Respondent had previously filed a Narrative, together with supporting documentation on August 13, 2010. Calvin E. Bradford failed to keep follow up appointments with Legal Aid of Wyoming, Inc. and that office was unable to assist him further. Information provided to that office did indicate that Mr. Bradford was not working and was drawing Social Security benefits. USDA is unable to confirm or contradict this information.

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 December 18, 1987, Calvin E. Bradford and Gloria Bradford received a home mortgage loan in the amount of \$27,500.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Fulton, Mississippi . RX-1.
2. The Petitioner defaulted on the loan and the property was sold at a foreclosure sale on June 28, 1999 with proceeds realized from that sale in the amount of \$19,000.00, leaving a balance due of \$12,097.31. RX-3.
3. Treasury offsets totaling \$2,251.00 exclusive of Treasury fees have been received. RX-3.
4. The remaining unpaid debt is in the amount of \$9,846.31 exclusive of potential Treasury fees. RX-5.
5. The Petitioner is not believed to be working and is drawing Social Security benefits.

Conclusions of Law

1. Calvin E. Bradford is indebted to USDA Rural Development in the amount of \$9,846.31 exclusive of potential Treasury fees for the mortgage loan extended to him.
2. As the Petitioner is not employed, there are no wages subject to garnishment.

Order

For the foregoing reasons, the wages of Calvin E. Bradford may **NOT** be subjected to administrative wage garnishment at this time. The debt shall remain at Treasury for any appropriate collection action. Proceedings may be re-instituted should USDA find that the Petitioner is working full time and has been working for a continuous twelve month period.

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 22, 2010

Copies to: Calvin E. Bradford
Mary Kimball
Dale Theurer

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