

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 11-0068

In re: Roy Lee Croka,

Petitioner

DECISION AND ORDER

This matter is before me upon the request of Roy Lee Croka 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 December 29, 2010, I issued a Prehearing Order 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.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on January 13, 2011. On January 18, 2011, Mr. Croka filed a Narrative and Exhibits PX-1 and Financial Statements (4 pages) which I now label as PX-2.

On February 1, 2011 at the scheduled time, both parties were available for the conference call. The parties were sworn. Mr. Croka advised that he was no longer represented and, following the hearing, filed a document that he was not represented. Mr.

Croka acknowledged in his Narrative that he agree(s) to the debt owed in the amount of \$18,322.93. . . however . . . do[esn't agree with] the extra \$5,130.42

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 22, 1997, Roy Lee Croka, the Petitioner, and Melissa Croka received a home mortgage loan in the amount of \$22,000 from First Union Mortgage and also a second loan from FmHA in the amount of \$33,000 for property located at 1## Weep*** ***** Rd., Winter haven, FL 33####.¹ RX-1.
2. The borrowers defaulted on the loan on September 16, 2000 and the property was sold in a foreclosure sale on December 20, 2000 for \$37,400.00. Narrative.
3. USDA received \$11,272.99 net proceeds from the sale of the house.
4. Prior to the sale, Mr. Croka owed \$32,801.68 for principal and \$1,778.71 for accrued interest. Narrative.
5. RD received post-sale payments from US Treasury totaling \$4,984.47 exclusive of Treasury. RX-6.
6. The remaining unpaid debt is in the amount of \$18,323.93 exclusive of potential Treasury fees. Narrative.
7. The remaining potential treasury fees are \$5,130.42. RX-7
8. Mr. Croka has been employed for more than one year.
9. Mr. Croka submitted financial statements under oath.

¹ Complete address maintained in USDA files.

10. I performed a Financial Hardship calculation which is attached².

Conclusions of Law

1. Roy Lee Croka is indebted to USDA Rural Development in the amount of \$18,322.93 for the mortgage loan extended to him.
2. Roy Lee Croka is indebted to the US Treasury for potential fees in the amount of \$5,130.42.
3. All procedural requirements for administrative wage offset set forth in 31 C.F.R. §285.11 have been met.
4. The Respondent is not entitled to administratively garnish the wages of the Petitioner for a period of one year.

Order

For the foregoing reasons, the wages of Roy Lee Croka not shall be subjected to administrative wage garnishment for a period of one year.

After one year, his financial situation may be reviewed to determine if wage garnishment is appropriate.

Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk's Office.

Done at Washington, D.C.
February 7, 2011

JAMES P. HURT
Hearing Officer

Copies to:

Mary Kimball
Dale Theurer

² The Financial hardship calculations are not posted on the OALJ website.

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