

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 11-0098

In re: Gavin Alfred,

Petitioner

Decision and Order

This matter is before the Administrative Law Judge upon the request of Petitioner 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 January 19, 2011, 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 February 10, 2011.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on January 25, 2011. The Petitioner filed his documentation with the Hearing Clerk on January 27, 2011. At the telephonic hearing conducted on February 10, 2011, the Petitioner participated *pro se*, without benefit of representation and testified in his own behalf. The Petitioner acknowledged being involved in the collision in which a vehicle owned by the United States Department of Agriculture was damaged, but seeks to avoid financial responsibility for the damages on the grounds that he was driving a vehicle owned by another and the owners of that vehicle had allowed their insurance to lapse. His position is unsustainable as the operator of the vehicle is

responsible for any damages caused by his operation. The Petitioner also claims to have been insured, but apparently has not advised his insurance company of the government claim.

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 March 20, 2009, the Petitioner while operating a 1994 Mustang automobile owned by Melissa Wilson collided with a government owned 2003 Dodge Dakota truck operated by Brenda Hutchins causing damage to the rear of the government owned vehicle in the amount of \$701.38 . RX-4, 19.
2. The damages sustained by the government owned vehicle were caused by the negligence of the Petitioner in the operation of the vehicle he was driving. RX-8.
3. The Petitioner has been employed for less than a continuous twelve month period and earns less than the garnishment threshold.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Petitioner is indebted to USDA APHIS in the amount of \$701.38 for the damages caused by his negligent operation of a motor vehicle.
3. As the Petitioner has been employed for less than a continuous twelve month period and earns less than the garnishment threshold, his wages are not eligible for garnishment at this time.
4. The Respondent is **NOT** entitled to administratively garnish the wages of the Petitioner at this time.

5. The debt should remain at Treasury for any and all other appropriate collection action.

Order

For the foregoing reasons, the wages of Petitioner may **NOT** be subjected to administrative wage garnishment at this time.

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

February 10, 2011

Peter M. Davenport
Chief Administrative Law Judge

Copies to: Gavin Alfred
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