

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) **AWG Docket No. 11-0055**
Sabrina L. Gilbreath, a/k/a)
Sabrina L. Sinclair,)
)
Petitioner) **Decision and Order**

1. The hearing by telephone was CANCELED, because this Decision can be made without a hearing. Ms. Sabrina L. Gilbreath, also known as Sabrina Boswell and Sabrina L. Sinclair, the Petitioner (“Petitioner Gilbreath”), represents herself (appears *pro se*).
2. 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. 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

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Summary of the Facts Presented

3. Admitted into evidence are the USDA Rural Development Exhibits (RX 1 through RX 8), plus Narrative, Witness & Exhibit List (filed January 13, 2011).
4. Admitted into evidence are Petitioner Gilbreath’s Hearing Request and accompanying documents (filed November 16, 2010), including her Consumer Debtor Financial Statement.

5. USDA Rural Development (formerly USDA Farmers Home Administration) is owed a balance of **\$2,356.27** (as of December 28, 2010), remaining from a loan assumed in 1995 to buy a home in Texas. The **\$2,356.27** remaining balance is now unsecured (“the debt”). *See* USDA Rural Development Exhibits, esp. RX 5.

6. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$2,356.27** would increase the current balance by \$659.76, to \$3,016.03. *See* USDA Rural Development Exhibits, esp. RX 6.

7. USDA Rural Development includes in its Narrative:

Since the Borrowers have paid a substantial amount of the debt, USDA is willing to recall the debt from Treasury and cancel the remaining balance of \$2,356.27. Borrower will be issued a 1099C, Cancellation of Debt, for the amount cancelled. This will need to be included with the tax return for the year received. If this is acceptable to Borrower, USDA recommends that the hearing be dismissed. This cancellation will be completed once dispute is dismissed and debt has been returned from Treasury.

8. This IS acceptable to Petitioner Gilbreath, per telephone conversation between her and Marilyn Kennedy (Legal Secretary in the USDA Office of Administrative Law Judges); thus USDA Rural Development will *cancel* the remaining **\$2,356.27** debt.

Findings, Analysis and Conclusions

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

10. **NO garnishment** of Petitioner Gilbreath’s pay is authorized; **NO further offset** of Petitioner Gilbreath’s **income tax refunds** or other **Federal monies** payable to the order of Ms. Gilbreath is authorized; **NO form of further debt collection** from Petitioner Gilbreath is authorized.

11. **NO refund** to Petitioner Gilbreath of monies already collected is appropriate, and no refund is authorized.

Order

12. No further collection of the debt from Petitioner Gilbreath is authorized; no refund is authorized.

Copies of this Decision shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.
this 22nd day of February 2011

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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