

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No.10-0258
)
Tina Flaherty King,)
)
Petitioner) **DECISION AND ORDER**

This matter is before me upon the request of the Petitioner, Tina Flaherty King, for a hearing to contest the efforts of the Respondent, USDA/Rural Development, to garnish her wages in order to collect a debt remaining from a mortgage loan it provided her. A hearing was held by telephone conference, on March 9, 2011, at 11:30 AM, Eastern Time, and both Petitioner, Tina Flaherty King, and Respondent’s representative, Mary Kimball, participated and gave sworn testimony.

Ms. Tina Flaherty King testified that she is receiving medical treatment for breast cancer and has incurred [REDACTED] in medical bills that she is struggling to pay. She is divorced and is currently employed by Laboratory Corporation as a phlebotomist earning a net monthly income of \$ [REDACTED]. Her monthly expenses are: rent- [REDACTED] gas and electric- [REDACTED]; car payment- [REDACTED] car insurance- [REDACTED] trash collection- [REDACTED]; water and sewer [REDACTED] cable TV- [REDACTED] telephone- [REDACTED] internet- [REDACTED] food- [REDACTED] and token payments against the overdue medical bills- [REDACTED]. These monthly expenses total [REDACTED] and she is left with only [REDACTED] for any other expense that may arise.

USDA, Rural Development filed documentation showing that petitioner currently owes \$13,175.50 plus potential fees to Treasury of \$3,689.14 for a total of \$16,864.64. Accordingly, USDA, Rural Development has met its burden under 31 C.F.R.

§285.11(f)(8) that governs administrative wage garnishment hearings, and has proved the existence and the amount of the debt owed by the Petitioner. On the other hand, Petitioner states that she would suffer undue financial hardship if any amount of money is presently garnished from her disposable income. In light of the documents filed by Petitioner and her sworn testimony, I agree with her and have concluded that garnishment should not take place at any time during the next six (6) months. During that time, Ms. King should undertake to contact Treasury to discuss dismissal of the debt for reason of financial hardship.

Under these circumstances, the proceedings to garnish Petitioner's wages are suspended and may not be resumed for six (6) months from the date of this Order.

Dated:

Victor W. Palmer
Administrative Law Judge