

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 11-0166
)
Victor Hernandez Rodriguez,)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Victor Manuel Hernandez Rodriguez, for a hearing in response to efforts of the United States Department of Agriculture – Rural Development (RD) to institute a federal administrative wage garnishment against him. Prior to the issuance of a Pre-Hearing scheduling order, RD filed a Narrative on March 28, 2011 and exhibits RX -1 through RX-5.

After consideration of its options, Ms. Mary Kimball representing RD advised that RD would concede to cancellation of the remaining debt and Ms. Kimball further advised that RD would be returning \$5,635.00 to Victor Hernandez relating to the debt cancellation. RD will not issue an IRS form 1099C.

Conclusions of Law

1. Petitioner Victor Manuel Hernandez Rodriguez was indebted to USDA’s Rural Development program under the Single Housing Loan Guarantee Program.
2. All procedural requirements for administrative wage garnishment set forth in 31 C.F.R. ¶ 285.11 have been met.

3. RD will cancel the remainder of the debt owed by Victor Manuel Hernandez Rodriguez.

4. RD will refund \$5,635.00 in payments made by the Victor Manuel Hernandez Rodriguez toward the debt made prior to this date.

Order

1. The Administrative Wage Garnishment may NOT proceed against this debtor.
2. The balance of the debt resulting from a home loan mortgage on/about April 14, 2003 to Petitioner in Victor Manuel Hernandez Rodriguez is cancelled.
3. Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk's office.

JAMES P. HURT

Hearing Official

March 31, 2011