

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 11-0082

In re: Mary Werner McGruder,
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 February 9, 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 March 17, 2011.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on February 18, 2011. The Petitioner has not responded to the Prehearing Order, either with a telephone number at which she could be reached or with the filing of any documentation with the Hearing Clerk. No response having been received, her request for a hearing will be deemed to have been waived and the matter will be decided upon the record.

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 September 18, 1987, the Petitioner (then Mary Werner) received a home mortgage loan in the amount of \$37,000.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Wills Point, Texas. RX-1 & 2.
2. The Petitioner defaulted in payments on the indebtedness and the property was sold at a foreclosure sale on December 2, 2008. Proceeds from that sale were received in the amount of \$38,488.52, leaving a balance due of \$27,962.93. RX-6.
3. Treasury offsets totaling \$815.32 exclusive of Treasury fees have been received. RX-6.
4. The remaining unpaid debt is in the amount of \$27,147.61 exclusive of potential Treasury fees. RX-4.

Conclusions of Law

1. Petitioner is indebted to USDA Rural Development in the amount of \$27,147.61 exclusive of potential Treasury fees for the mortgage loan extended to her.
2. All procedural requirements for administrative wage offset set forth in 31 C.F.R. §285.11 have been met.
3. The Respondent is entitled to administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the wages of Petitioner shall be subjected to administrative wage garnishment at the rate of 15% of disposable pay, or such lesser amount as might be specified in 31 C.F.R. § 285.11(i).

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

April 8, 2011

Peter M. Davenport
Chief Administrative Law Judge

Copies to: Mary Werner McGruder
Mary Kimball
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