

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0422

In re: Juanita Young,

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 September 27, 2010, 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 December 16, 2010.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on November 9, 2010. The Petitioner failed to provide a telephone number as directed in the Prehearing Order and has neither contacted the Hearing Clerk nor filed any documents. By reason of her failure to provide additional information, the case will be determined on 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 August 30, 1996, the Petitioner received a home mortgage loan in the amount of \$54,780.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Jasonville, Indiana. RX-1 and 2.
2. The property was sold at a short sale on September 15, 2000 with proceeds realized from that sale in the amount of \$50,000.00, leaving a balance due of \$17,975.96. RX-5-7.
3. Treasury offsets totaling \$3,061.80 exclusive of Treasury fees have been received. RX-7.
4. The remaining unpaid debt is in the amount of \$14,914.16 exclusive of potential Treasury fees. RX-4.

Conclusions of Law

1. Petitioner is indebted to USDA Rural Development in the amount of \$14,914.16 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 21, 2011

Peter M. Davenport
Chief Administrative Law Judge

Copies to: Juanita Young
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Dale Theurer

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