

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWG Docket No. 11-0320
)	
Josue Rodriguez,)	
)	
Petitioner)	Decision and Order

Pursuant to a Hearing Notice, I held a hearing by telephone, on August 30, 2011, at 2:30 PM Eastern Time, in consideration of a Petition seeking to dispute Petitioner’s present obligation to pay a debt that Petitioner incurred on April 4, 2006, when he obtained a single family housing loan guarantee from USDA in respect to a \$70,000.00 mortgage loan from the Hometown Bank, and signed RD Form 1980-21, promising to reimburse USDA for any losses it sustained (RX1, RX-2 and RX-3). The loan was not paid, and on March 30, 2010, USDA paid the lender net sum of \$26,588.43 after deducting the sale price of the home less principal, interes and fees owed. The present debt is \$26,588.43 plus \$7,444.76 in fees to Treasury, or \$34, 033.19 total (RX-9). At the hearing, Petitioner was assisted by an interpreter, Joan Jaimes. Mary Kimball, represented Respondent. Both Petitioner and Ms. Kimball were sworn.

Petitioner is single. He supports a three year old child. He is employed by the ABC Company as a tree cutter earning a gross weekly salary of \$584.40, or \$470.00 net after the deduction of withholding taxes.His net monthly income is \$1,808.00. His monthly expenses are: rent-\$350.00; child support payments-\$250.00; gasoline-\$300.00; electricity-\$80.00; cable TV-\$30.00; food-\$400.00; and clothing (self and child)-\$80.00. Total monthly expenses are: \$1,490.00. Based on his income less expenses, the maximum

amount that may be deducted each month from his wages is \$50.00. Petitioner is interested in arranging a settlement of this debt and shall inquire into the possibility of obtaining a loan and discussing settlement with Treasury. For that reason no amount shall be garnished from his wages during the next 90 days while he undertakes to contact Treasury and achieve a settlement of the debt. At the end of 90 days no more than \$50.00 per month shall be garnished from his wages in repayment of this debt.

The garnishment of Petitioner's wages is hereby suspended and shall not be resumed for ninety (90) days from the date of this Order.

Dated: _____

Victor W. Palmer
Administrative Law Judge