

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0181

In re: REBECCA RANDALL,  
Petitioner

**DECISION AND ORDER DISMISSING CASE**

The instant matter involves a petition for a hearing to determine the validity of an alleged indebtedness of Rebecca Randall (“Petitioner”) to the United States Department of Agriculture Forest Service (“USDA-FS; Respondent”). Petitioner received notice of intent to garnish wages, and Petitioner challenged that action by timely requesting a hearing. On January 13, 2012, Petitioner filed documentary evidence that is hereby identified as PX-1. Respondent filed a number of documents that are identified as RX-1 through RX-5. On May 2, 2012, Petitioner filed a written statement identified as PX-2, and her attorney filed a letter brief.

A hearing was held on May 14, 2012, at which time testimony was given by Petitioner and Patricia Espinosa of the USDA-FS. Upon review of Respondent’s documentations, it became apparent that USDA-FS’ policy effective September 1, 2006, required that credit be given to Petitioner for hours she had worked for Respondent, which would be credited against any amounts owed for training. See, submissions filed April 9, 2012, identified hereby as RX-5. Respondent’s records reflect that Petitioner had accumulated the requisite hours according to the calculation set forth by USDA-FS to offset any amount she would have owed for training. See, RX-2 through 4.

Accordingly, the debt calculated by USDA-RD is NOT VALID. This wage garnishment action is hereby dismissed.

ORDER

The debt allegedly related to a Service Agreement signed by Petitioner is not a valid debt. Petitioner fulfilled her obligations under the Service Agreement within USDA-FS policy.

The debt at Treasury for collection is hereby eliminated.

All collection actions taken against Petitioner by USDA-FS or Treasury shall CEASE.

Treasury shall return to Petitioner the 2011 tax refund that Treasury intercepted and offset against the alleged indebtedness.

The wage garnishment proceeding is stayed and terminated and this action is **DISMISSED**.

Copies of this Order shall be served upon the parties by the Hearing Clerk.

So ORDERED this 14<sup>th</sup> day of May, 2012 in Washington, D.C.

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Janice K. Bullard  
Administrative Law Judge