

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0316

In re: HAE SUN BOWMAN,

Petitioner

DECISION AND ORDER

This matter is before the Office of Administrative Law Judges (“OALJ”) upon the request of Hae Sun Bowman (“Petitioner”) for a hearing to address the existence or amount of a debt alleged to be due to the United States Department of Agriculture, Rural Development Agency (“Respondent”; “USDA-RD”); and if established, the propriety of imposing administrative wage garnishment. On March 26, 2012, Petitioner requested a hearing. By Order issued March 30, 2012, a hearing was scheduled to commence on May 22, 2012, and the parties were directed to provide information and documentation to the Hearing Clerk for the Office of Administrative Law Judges for the United States Department of Agriculture.

On May 2, 2012, Respondent filed a Narrative, together with supporting documentation (“RX-1 through RX-5”), which is hereby formally entered into the record. Petitioner did not respond to my Order directing filing of submissions. The Order was not returned to the Hearing Clerk for the United States Department of Agriculture Office of Administrative Law Judges (“Hearing Clerk”) as undeliverable. At the scheduled time for the hearing, my staff made attempts to locate the Petitioner without success.

On the basis of the entire record before me, the following Findings of Fact, Conclusions of Law, and Order shall be entered:

FINDINGS OF FACT

1. On November 4, 2005, the Petitioner obtained a home mortgage loan in the amount of \$56,500.00 from USDA-RD for the purchase of real property located in Cheboygan, Michigan, evidenced by Promissory Note. RX-1.
2. The loan fell into default and was accelerated for foreclosure. RX-2.
3. USDA-RD acquired the property at a foreclosure sale held on July 18, 2008 for the sum of \$15,260.00. RX-3.
4. At the time of the sale, the total due on Petitioner's mortgage account was \$61,238.03 consisting of principal, interest, fees and advances. RX-4.
5. After crediting the account for sale proceeds, Petitioner owed USDA-RD \$45,979.03. RX-4.
6. Petitioner failed to negotiate a settlement of the loss claim with USDA-RD, and thereafter, on January 9, 2012, USDA-RD referred the loss payment to the U.S. Department of Treasury ("Treasury") as a debt of the Petitioner. RX-3; RX-4.
7. The debt is at Treasury for collection in the amount of \$45,979.03, plus potential fees of \$12,873.85. RX-5.
8. Petitioner was advised of intent to garnish wages to satisfy the indebtedness.
9. Petitioner timely requested a hearing, and provided a statement denying liability.

CONCLUSIONS OF LAW

1. The Secretary has jurisdiction in this matter.
2. All procedural requirements for administrative wage offset set forth at 31 C.F.R. §285.11 have been met.

3. Respondent has established the existence of a valid debt due to the United States from Petitioner.

4. Petitioner failed to appear at the hearing, and failed to document her financial condition and thereafter I am unable to determine whether a hardship would warrant suspension of wage garnishment proceedings.

5. Respondent is entitled to administratively garnish the wages of the Petitioner at the statutory maximum amount of 15%.

ORDER

For the foregoing reasons, the wages of Petitioner shall be subjected to administrative wage garnishment at this time.

Petitioner is encouraged to negotiate repayment of the debt with the representatives of Treasury. The toll free number for Treasury's agent is **1-888-826-3127**.

Petitioner is advised that this Decision and Order does not prevent payment of the debt through offset of any federal money payable to Petitioner.

Petitioner is further advised that a debtor who is considered delinquent on debt to the United States may be barred from obtaining other federal loans, insurance, or guarantees. See, 31 C.F.R. § 285.13.

Until the debt is satisfied, Petitioner shall give to USDA-RD or those collecting on its behalf, notice of any change in address, phone numbers, or other means of contact.

The Hearing Clerk shall serve this Decision and Order upon the parties.

So Ordered this 23rd day of May, 2012 in Washington, D.C.

Janice K. Bullard
Administrative Law Judge