

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) [AWG]
) Docket No. **12-0418**
Jeff Lattimer)
)
Petitioner) **Dismissal Without Prejudice**

Appearances:

Petitioner Jeff Lattimer, representing himself (appearing *pro se*); and

Giovanna Leopardi, Appeals Coordinator, United States Department of Agriculture, Rural Development, Centralized Servicing Center, St. Louis, Missouri, for the Respondent (USDA Rural Development).

1. The hearing by telephone was held on July 12, 2012. Jeff Lattimer, the Petitioner (“Petitioner Jeff Lattimer”), participated, representing himself (appearing *pro se*).
2. Rural Development, an agency of the United States Department of Agriculture (USDA), is the Respondent (“USDA Rural Development”) and is represented by Giovanna Leopardi.
3. During the hearing I mistakenly did not see Petitioner Jeff Lattimer’s signature on the United States Department of Agriculture / Rural Development / Rural Housing Service **Guarantee**. See RX 1, esp. p. 2. [USDA Rural Development paid the loss claim and expects reimbursement from Petitioner Jeff Lattimer pursuant to the **Guarantee**.] USDA Rural Development filed “Supplemental Information for the Narrative” on July 16, 2012. After careful review, I agree with USDA Rural Development: Petitioner Jeff Lattimer’s signature is indeed on the **Guarantee**. RX 1, p. 2.
4. During the hearing I learned that Petitioner Jeff Lattimer had filed a Chapter 13 bankruptcy petition. Giovanna Leopardi was able to access PACER during the hearing and to advise that Petitioner Jeff Lattimer had filed for Chapter 13 Bankruptcy on June 8, 2012,

in the U.S. Bankruptcy Court, Northern District of Texas (Fort Worth), Petition #: 12-43407-RFN 13.

5. As a result of Petitioner Jeff Lattimer's Chapter 13 bankruptcy filing, USDA Rural Development will not at this time pursue any type of collection on the debt owed to USDA. USDA Rural Development will recall the debt from Treasury and will monitor the bankruptcy to determine the outcome. If the debt is discharged in bankruptcy, USDA Rural Development will not pursue any collection effort; if the debt is not discharged in bankruptcy, USDA Rural Development may return the debt to Treasury for future collection efforts such as wage garnishment.

6. Accordingly, this case is DISMISSED, without prejudice to Petitioner Jeff Lattimer to request a hearing timely, should garnishment be noticed.

Copies of this Dismissal Without Prejudice shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.
this 18th day of July 2012

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

Giovanna Leopardi, Appeals Coordinator
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