

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) [AWG]
) Docket No. **12-0590**
Jennifer Snyder)
) **Remand to USDA Rural Development and**
Petitioner) **Dismissal of Garnishment Proceeding and This Case**

Appearances:

Petitioner Jennifer Snyder, representing herself (appearing *pro se*); and

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

1. A hearing by telephone was held on September 26, 2012. Petitioner Jennifer Snyder (Petitioner Snyder) participated, representing herself (appearing *pro se*).
2. Rural Development, an agency of the United States Department of Agriculture (USDA), the Respondent (“USDA Rural Development”), participated, represented by Michelle Tanner.

Summary of the Facts Presented

3. Petitioner Snyder testified credibly that she did complete and send her application for debt settlement to USDA Rural Development. USDA Rural Development never received it.
4. Petitioner Snyder is currently undergoing garnishment, and her pay stubs that cover the one-month period from August 16, 2012 through September 15, 2012 show that the garnishment amounts (\$133.20 per pay period) are a bit higher than 15% of disposable pay (\$880.91 disposable pay for 08/16/2012 - 09/01/2012; and \$776.93 disposable pay for 09/02//2012 - 09/15/2012). Moreover, garnishment causes financial hardship within the

meaning of 31 C.F.R. § 285.11 for Petitioner Snyder and her two dependent children, about 12 years and 10 years old.

Order

5. Until the debt is repaid, Petitioner Snyder shall give notice to USDA Rural Development or those collecting on its behalf, of any changes in her mailing address; delivery address for commercial carriers such as FedEx or UPS; FAX number(s); phone number(s); or e-mail address(es).
6. USDA Rural Development will recall the debt from the U.S. Treasury for further servicing by USDA Rural Development. Thus, this case is REMANDED to USDA Rural Development to give Petitioner Snyder the opportunity to negotiate a repayment plan with USDA Rural Development.
7. If NO agreed repayment plan between Petitioner Snyder and USDA Rural Development happens, or there is a default in meeting repayment plan requirements, and if the debt is consequently submitted to the U.S. Treasury for Cross Servicing, Petitioner Snyder will be entitled anew to have a hearing.
8. Any amounts collected through garnishment of Petitioner Snyder's pay prior to implementation of this Decision **shall be returned to Petitioner Snyder. [The balance will of course increase when amounts taken from Petitioner Snyder's pay are returned to her.]**
9. The Garnishment Proceeding and this case are DISMISSED, without prejudice to Petitioner Snyder to request a hearing timely, should garnishment be noticed.

Copies of this "Remand to USDA Rural Development and Dismissal of Garnishment Proceeding and This Case" shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.
this 26th day of September 2012

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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