

United States Department Of Agriculture
Before The Secretary Of Agriculture

Docket No. AWG 13 – 0002

Gena R. Wilson (Robbins)

Petitioner

Decision and Order

This matter is before me upon the request of Petitioner for a hearing to address the existence or amount of debt alleged to be due, and if established, the terms of any repayment prior to the imposition of an administrative wage garnishment. On October 17, 2012, a prehearing order was entered to facilitate a meaningful conference with the parties as to how the case would be resolved, to direct the exchange of information and documentation concerning the existence of debt, and setting the matter for telephonic hearing on November 13, 2012.

RD filed its Narrative and Exhibits RX-1 thru RX-5 on November 15, 2012. At my request researched and filed the foreclosure documentation from Brazoria County, Texas on March 22, 2013 which I now label as RX-6. I note that although the Deed by Substitute Trustee was marked “unofficial copy,” it carried the seal of the Clerk of Brazoria County and also showed that the filing fee (\$15.00) had been paid on October 13, 2000.

At the time and place set for the hearing, both parties were present. Giovanna Leopardi represented Rural Development (RD) and Ms. Wilson was self-represented. The parties were sworn.

In her petition for rehearing, Ms. Wilson requested to be considered for a financial hardship calculation. She did not furnish any exhibits concerning her income and expenses. I called her on December 17, 2012 and left a message on her answering service that we have not received any financial documentation. Upon checking with the OALJ hearing clerk’s records on March 25, 2013, I find that no documentation has been received from Ms. Wilson as of this date.

Findings of Facts

1. On June 23, 1995, Petitioner Gena Wilson and co-borrower Marcus Wilson Jr. obtained a loan

directly from USDA Rural Development in the amount of \$51,780. RX-1.

2. On July 23, 1999, the loan was re-amortized due to delinquency and the new amount of existing principal was \$65,366.04. RX-1 @ p 10 of 11, RX-3@ p 16.
3. The borrowers again became delinquent and on February 18, 2000, the loan was accelerated due to monetary default. RX-2 @ p. 6 of 8, RX 3.
4. The property was sold to a third-party purchaser at a foreclosure sale held on September 5, 2000. The property was purchased for \$36,571. RX-3 @ p. 18 of 33, RX-6.
5. On February 14, 2001, a debt settlement application was sent to the borrowers. RX-3 @ p24 of 33.
6. Another debt settlement application was sent on February 20, 2002. RX-3 @ p. 27 of 33.
7. The loan was submitted to treasury for further collection on April 12, 2002. RX-3 @ p. 30 of 33.
8. Since March 31, 2006, several offsets to petitioner's income tax refund were received. RX-4, RX-5.
9. The balance on the loan as of October 29, 2012 is \$21,815.84. RX-5 @ p. 2 of 5, p. 5 of 5.
10. In addition, the borrowers are liable for potential collection fees of \$6,108.44. RX-5 @ p. 2 of 5.
11. The Petitioner has not provided any information with which I may prepare a Financial Hardship Calculation.

Conclusions of Law

Petitioner is jointly and severally liable to the USDA Rural Development in the amount of \$21,815.84 for the mortgage loan extended to her.

In addition, Petitioner is jointly and severally liable to the USDA Rural Development in the amount of \$6,108.44 for potential collection fees.

All procedural requirements for administrative wage garnishment set forth in 31 CFR § 285.11 have been met.

Rural Development is entitled to administratively garnish the wages of petitioner at the rate of 15% of her disposable pay.

Order

For the foregoing reasons, the wages of petitioner shall be subjected to administrative wage garnishment at the rate of 15% of disposable pay, or such lesser amount as may be specified in 31 CFR § 285.11 (i).

Copies of this decision and order shall be served upon the parties by the hearing clerk's office.

March 25, 2013.

James P Hurt
Hearing Officer

copies to:
Gena R Wilson
Giovanna Leopardi
Dale Theurer