

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 13-0169

In re: Angelo Chitto,

Petitioner.

Decision and Order

This matter is before the Office of Administrative Law Judges upon the January 25, 2013 request of Angelo Chitto (“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 (“USDA-RD”); and if established, the terms of any repayment prior to imposition of an administrative wage garnishment.

By Order issued February 22, 2013 the parties were directed to exchange information and documentation and the matter was set for a telephonic hearing. Petitioner did not submit any documentation. USDA-RD filed a Narrative, together with supporting documentation.

On the scheduled date for the hearing, March 19, 2013, Petitioner did not answer at the telephone number that he provided. The Notice of hearing was not returned as undeliverable. I held the record open until the close of business on the date of the hearing, but Petitioner did not respond to a voice mail message left for him.

Consequently, I find it appropriate to decide this matter on the record before me, and I admit to the record USDA-RD’s exhibits, RX-1 through RX-45. The following Findings of Fact, Conclusions of Law, and Order shall be entered.

SUMMARY OF THE FACTS

The record reflects that on July 13, 2007, an individual identified as “Angela K. Chitto” signed agreements to assume existing obligations to USDA-RD in consideration for the purchase

of real property in Philadelphia, Mississippi. However, the account established by USDA-RD for the indebtedness is in the name of “Angelo K. Chitto”. All documents forward to the Department of Treasury for collection of the debt are in the name of “Angelo Chitto”. The notice of intent to garnish wages is in the name of “Angelo Chitto”. The petition for a hearing bears the name “Angelo Chitto”, and though no one signed the petition, handwritten notations deny the validity of the debt.

There is nothing of record to reconcile the discrepancy in the identity of the signatory on the assumption agreement and associated documents (“Angela” K. Chitto) and every other document generated by the government (“Angelo” K. Chitto). Although a Social Security Number (SSN) is associated with the account established in the name of “Angelo” K. Chitto, there is no independent record of the SSN for “Angela” K. Chitto. Accordingly, I find that the preponderance of substantial evidence fails to establish that Angelo K. Chitto is actually Angela K. Chitto. Therefore I am unable to conclude that the debt is valid.

ORDER

The evidence fails to substantially establish the existence of a valid debt due from either Angela or Angelo K. Chitto, and this matter is hereby DISMISSED.

So Ordered this 16th day of April in Washington, D.C.

Janice K. Bullard
Administrative Law Judge