

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: )  
) **AWG Docket No. 09-0100**  
Cynthia Maldonado )  
)  
Petitioner ) **Decision and Order**

1. The hearing was held on Wednesday, August 19, 2009, as scheduled. Ms. Cynthia Maldonado, the Petitioner (“Ms. Maldonado”) failed to appear, as follows: her telephone number was repeatedly busy, for ten minutes or longer, when we attempted to include her in the hearing. Rural Development, an agency of the United States Department of Agriculture (USDA), is the Respondent (“USDA Rural Development”) and was represented by Mary E. Kimball and Gene Elkin.

2. The address for USDA Rural Development for this case is

Mary E. Kimball, Branch Accountant  
USDA / RD New Program Initiatives Branch  
Bldg 105 E, FC-22, Post D-2  
4300 Goodfellow Blvd  
St Louis MO 63120-1703

[mary.kimball@stl.usda.gov](mailto:mary.kimball@stl.usda.gov) 314.457.5592 phone  
314.457.4426 FAX

3. Ms. Maldonado had requested the hearing, writing that she prefers to repay the debt through *offset* of her **income tax refunds** for the next five years, rather than undergo garnishment of up to 15% of her disposable pay (within the meaning of 31 C.F.R. § 285.11).

4. I encourage **Ms. Maldonado and the collection agency** to work together to **establish a repayment schedule** rather than immediately proceeding with garnishment, even though this Decision authorizes garnishment, up to 15% of Ms. Maldonado’s disposable pay. Ms. Maldonado, obviously, will have to make herself available to the collection agency if she wants to negotiate.

5. This is Ms. Maldonado’s case (she filed the Petition), and in addition to failing to be available for the hearing, Ms. Maldonado failed to file with the Hearing Clerk copies of Ms.

Maldonado's proposed exhibits, a list of proposed exhibits, and a list of anticipated witnesses with a short statement as to the nature of the testimony of each witness. Ms. Maldonado's deadline for that was August 5, 2009, which was also the deadline for Ms. Maldonado to notify us if she wanted to be reached at a different telephone number than the one we have for her.

#### Summary of the Facts Presented

6. Ms. Maldonado owes to USDA Rural Development a balance of **\$19,575.87** (as of July 15, 2009). *See* USDA Rural Development Exhibits, esp. RX-4).
7. Potential Treasury fees in the amount of 28% of \$19,575.87 (\$5,481.24 in potential Treasury fees; the collection agency keeps 25% of what it collects) would increase the current balance to \$25,057.11.
8. Ms. Maldonado's disposable pay supports garnishment, up to 15% of Ms. Maldonado's disposable pay.
9. USDA Rural Development pursues **both** income tax offset and wage garnishment and is authorized and encouraged to do so.

#### Findings, Analysis and Conclusions

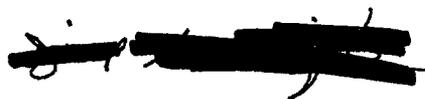
10. The Secretary of Agriculture has jurisdiction over the parties, Ms. Maldonado and USDA Rural Development; and over the subject matter, which is administrative wage garnishment.
11. Ms. Maldonado owes the debt described in paragraphs 6 and 7.
12. Ms. Maldonado's disposable pay supports garnishment, up to 15% of Ms. Maldonado's disposable pay (within the meaning of 31 C.F.R. § 285.11); and Ms. Maldonado has no circumstances of financial hardship (within the meaning of 31 C.F.R. § 285.11).

#### Order

13. Until the debt is fully paid, Ms. Maldonado 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).
14. USDA Rural Development, and those collecting on its behalf, are authorized to proceed with garnishment, up to 15% of Ms. Maldonado's disposable pay.

Copies of this Decision shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.  
this 9<sup>th</sup> day of October 2009

A blacked-out signature, likely of Jill S. Clifton, is redacted with a thick black marker.

Jill S. Clifton  
Administrative Law Judge

Hearing Clerk's Office  
U.S. Department of Agriculture  
South Building Room 1031  
1400 Independence Avenue, SW  
Washington DC 20250-9203  
202-720-4443  
Fax: 202-720-9776