

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0231

In re: MARGARET A. PETERSON,
formerly MARGARET WILLIAMS,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Margaret Peterson for a hearing to address the existence or amount of a debt alleged to be due, and if established, the terms of any repayment prior to imposition of an administrative wage garnishment. On June 9, 2010, 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 the debt, and setting the matter for a telephonic hearing on July 20, 2010.

A Narrative was filed by the Respondent together with supporting documentation on June 29, 2010. The Petitioner filed her documentation with the Hearing Clerk on July 8, 2010. In the materials filed, the Respondent provided information concerning her financial condition reflecting only minimal income with significant indebtedness. During the hearing, the Petitioner indicated that she did not dispute the amount alleged to be due.

On the basis of the entire record before me, the following Findings of Fact, Conclusions of Law and Order will be entered.

Findings of Fact

1. On July 20, 1989, the Petitioner received a home mortgage loan in the amount of \$20,250.00 respectively from the Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Navasota, Texas. RX-1.
2. The property was sold at a foreclosure sale on December 2, 1997 with proceeds realized from that sale in the amount of \$20,038.00 leaving a balance due of \$6,611.01. RX-4.
3. Treasury offsets exclusive of fees totaling \$3,640.65 have been received. RX-4.
4. After credits, the remaining unpaid debt is in the amount of \$2,999.36 (exclusive of potential Treasury fees). RX-4.
5. The Petitioner earns minimal wages and has significant indebtedness.

Conclusions of Law

1. Margaret A. Peterson is indebted to USDA Rural Development in the amount of \$2,999.36 (exclusive of potential Treasury fees) for the mortgage loan extended to her.
2. The Petitioner is currently experiencing financial hardship.
3. The Respondent may **NOT** administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the administrative wage garnishment proceedings are terminated at this time. Review of the Petitioner's financial condition may be made after one year.

Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk's Office.

Done at Washington, D.C.
July 20, 2010

PETER M. DAVENPORT
Chief Administrative Law Judge

Copies to: Margaret A. Peterson
 Mary Kimball
 Dale Theurer

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