

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0149

In re: ERIC D. MEYER,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Eric D. Meyer 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 March 10, 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 May 19, 2010.

During the hearing Rural Development indicated that additional information was in the process of being prepared and after further discussion agreed to email the same to Mr. Meyer. The revised Narrative was filed with the Hearing Clerk on June 24, 2010. Mr. Meyer had requested additional time in which to examine the Narrative and the attachments and had been given three weeks in which to do so. His response was due on or before close of business on July 12, 2010; however, nothing further has been received from him.

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 , the Petitioner and Kerry D. Kobelski received a home mortgage loan in the amount of \$37,000.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Kalispell, Montana. RX-1.
2. The property was sold at a foreclosure sale and after application of proceeds realized from that sale, a balance of \$15,793.74 was due.
3. Treasury offsets totaling \$4,221.44 exclusive of Treasury fees have been received. RX-3.
4. The remaining unpaid debt is in the amount of \$11,241.61 exclusive of potential Treasury fees. RX-6.

Conclusions of Law

1. Eric D. Meyer is indebted to USDA Rural Development in the amount of \$11,241.61 exclusive of potential Treasury fees for the mortgage loan extended to him.
2. All procedural requirements for administrative wage offset set forth in 31 C.F.R. §285.11 have been met.
3. The Respondent is entitled to administratively garnish the wages of the Petitioner.

Order

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

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

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

PETER M. DAVENPORT
Chief Administrative Law Judge

Copies to: Eric D. Meyer
Mary Kimball
Dale Theurer

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