

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 12-0509
)
Ricky B. Maxwell,)
)
Petitioner)

Order to Suspend Wage Garnishment

This matter is before me upon the request of the Petitioner, Ricky B. Maxwell, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against him. On September 13, 2012, I held an oral hearing at Petitioner’s request and received oral testimony under oath.

Additionally, Petitioner filed a Limited Power of Attorney appointing Holly Crampton, Esq. to act on his behalf. Petitioner disputed the amounts of payments received on the loan.

During the hearing, I requested RD to obtain the pay off schedule and to ascertain the local RD office’s standard policy for destruction of documents. Several requests for clarification to RD were requested to no avail.

Petitioner’s request for hearing was a “timely filing” which presumably means that Petitioner is not being wage garnished.

The record remains unclear whether all procedures for foreclosure were properly followed regarding the delay in the foreclosure sale. Since the amount of the debt turns on whether the judicial sale was properly conducted and the payments were received and credited toward the debt, Petitioner should not suffer continuing financial harm in the interim.

Conclusions of Law

1. The garnishment of Petitioner, Ricky B. Maxwell's wages is suspended until a final determination is made.

2 All procedural requirements for administrative wage garnishment set forth in 31 C.F.R. ¶ 285.11 have been met.

4. Petitioner is under a duty to inform USDA's Rural Development of his current address, employment circumstances, and living expenses.

Order

1. The Administrative Wage Garnishment against this debtor is suspended.

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

JAMES P. HURT

Hearing Official

October 24, 2012

Holly Crampton, Esq.

Giovanna Leopardi

Dale Thurer