

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

In re:	)	AWG Docket No.09-0053
	)	
Nicola Thomas,	)	
	)	
Petitioner	)	<b>DECISION AND ORDER</b>

This matter is before me upon the request of the Petitioner, Nicola Thomas, for a hearing to contest the efforts of the Respondent, USDA/Rural Development, to garnish her wages in order to collect rental assistance it provided her. Initial efforts to conduct a preliminary telephone conference on April 28, 2009 were unsuccessful in that Ms. Thomas was not at her telephone at the time scheduled. A hearing was thereupon scheduled and held on May 20, 2009. Respondent introduced records that were duly identified and authenticated showing Ms. Thomas' wages when she applied for and received rental assistance from USDA, Rural Development, were higher than the amounts she listed on the application forms she had filed. The amount of her present debt for the rental assistance she received that she was not entitled to receive was proven by the evidence to amount to \$15,802. Though Petitioner stated she is unable to pay any amount at this time, she did not produce any evidence in support of this statement elucidating her present ability to pay, or showing at what point a repayment schedule would cause her financial hardship. Inasmuch as Ms. Thomas may not have understood prior to the hearing that she has the burden of proof under 31 C.F.R. § 285.11 (f)(8) to produce evidence of alleged financial hardship, I instructed Respondent to send her forms

giving her the opportunity to provide financial information and show her ability to meet a monthly repayment schedule. Respondent advised that such forms were sent and in accordance with my instructions, Ms. Thomas was given until June 15, 2009 to complete the forms and return them to Respondent. Ms. Thomas did not do so.

Accordingly, the petition is hereby **DISMISSED**, and Respondent is entitled to administratively garnish the wages of the Petitioner subject to the limitations set forth 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.

June 23, 2009

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**Victor W. Palmer**  
Administrative Law Judge

Copies to: Nicola Thomas  
Esther McQuaid  
Dale Theurer  
Mary Kimball