

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	AWG Docket No. 09-0060
Eunice Campbell,)	
)	Order Dismissing Case
Petitioner)	Without Prejudice

The hearing was held on August 18, 2009. Eunice Campbell, the Petitioner (“Ms. Campbell”) represented herself. 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.

Ms. Campbell indicated that she had filed for Chapter 13 bankruptcy in the U.S. Bankruptcy Court, Western District of Arkansas, case no. 2:09-bk-73696, in July 2009. Ms. Campbell had expected that all creditors would be notified of the bankruptcy.

Later, the same day of the hearing, Ms. Campbell’s bankruptcy filing was confirmed, by both (1) the attorney for Ms. Campbell in the bankruptcy case, Lyndsey D. Dilks of the Brad Hendricks Law Firm, Little Rock, Arkansas, who telephoned me and immediately thereafter forwarded to me via email (attached) a copy of the Notice of Bankruptcy Case Filing; and (2) USDA Rural Development, through Mary E. Kimball, who filed with the Hearing Clerk that day, bankruptcy documents she had obtained from PACER. Ms. Kimball’s filing includes the following statement on behalf of USDA Rural Development:

Ms. Eunice May Campbell filed a Chapter 13 Bankruptcy in the Western District of Arkansas, Petition # 09-73696 on 07/28/2009. At this time, we are unable to pursue any type of collection on the debt owed to USDA. If Ms Campbell is discharged in bankruptcy, we will cancel the debt owed to USDA. At any time the bankruptcy is dismissed, we will resume collection efforts.

Debt will be recalled from Treasury due to bankruptcy. USDA will monitor the bankruptcy to determine outcome.

Accordingly, this case is **DISMISSED**, without prejudice to Ms. Campbell to request a hearing timely, should garnishment be noticed.

During the hearing on August 18, 2009, Ms. Campbell asked if monies taken from her 2008 IRS refund would be returned to her. Mr. Elkin advised her of *31 U.S.C. - Sec. 3720A. Reduction of tax refund by amount of debt.* Mr. Elkin explained that monies collected through *offset* (such as had occurred with her 2008 tax refund) prior to her filing for Chapter 13 bankruptcy will **not** be refunded. Mr. Elkin mentioned that Ms. Campbell will be expected to perform her plan and that USDA Rural Development monitors bankruptcy cases.

Copies of this Order Dismissing Case, together with copies of the **Attachment**, together with copies of **all filings received August 18, 2009**, shall be served by the Hearing Clerk upon each of the parties. (**Ms. Campbell shall receive her own copy**, even though a **courtesy copy shall be sent to her attorney** at the address shown below; **Ms. Kimball**, rather than Ms. McQuaid, shall be sent the USDA Rural Development copies.)

Done at Washington, D.C.
this 6th day of October 2009

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

Attachment

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

courtesy copy to:

Lyndsey D. Dilks, Esq.
Brad Hendricks Law Firm
500 C Pleasant Valley Drive
Little Rock AR 72227

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