

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) **AWG Docket No. 10-0289**
Nancy J. Edwards,)
)
Petitioner) **Decision and Order**

1. The hearing was held, by telephone, on August 27, 2010. Nancy J. Edwards, the Petitioner (“Petitioner Edwards”), represents herself (appears *pro se*). Rural Development, an agency of the United States Department of Agriculture (USDA), is the Respondent (“USDA Rural Development”) and is represented by Mary E. Kimball and Gene Elkin.

2. The address for USDA Rural Development for this case is

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

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314.457.4426 FAX

3. I encourage **Petitioner Edwards and the collection agency** to work together to **establish a repayment schedule** rather than immediately proceeding with garnishment, even though this Decision authorizes garnishment, up to 15% of Petitioner Edwards’ disposable pay. Petitioner Edwards, obviously, will have to make herself available to the collection agency if she wants to negotiate. *See* paragraph 9.

4. This is Petitioner Edwards’ case (she filed the Petition), and Petitioner Edwards failed to file with the Hearing Clerk any information. Petitioner Edwards’ initial deadline for that was August 16, 2010, and her extended deadline for that was September 30, 2010.

Summary of the Facts Presented

5. Petitioner Edwards owes to USDA Rural Development a balance of **\$11,097.38** (as of July 12, 2010) in repayment of a \$45,000.00 United States Department of Agriculture Farmers Home Administration loan made in 1991 for a home in Missouri, the balance of which is now unsecured (“the debt”). *See* USDA Rural Development Exhibits, plus Narrative, Witness & Exhibit List (filed August 30, 2010), which are admitted into evidence.
6. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$11,097.38** would increase the current balance by \$3,107.27, to \$14,204.65. *See* USDA Rural Development Exhibits, esp. RX-4.
7. Petitioner Edwards failed to file financial information or anything in response to my Report of Telephone Hearing dated August 27, 2010; consequently there is no evidence before me regarding Petitioner Edwards’ disposable pay or any 31 C.F.R. § 285.11 factors. I must presume that Petitioner Edwards’ disposable pay supports garnishment, up to 15% of Petitioner Edwards’ disposable pay.
8. Petitioner Edwards is responsible and capable of negotiating the disposition of the debt with Treasury’s collection agency.

Discussion

9. I encourage **Petitioner Edwards and the collection agency to negotiate promptly** the repayment of the debt. Petitioner Edwards, this will require **you** to telephone the collection agency about two to three weeks after you receive this Decision. The toll-free number for you to call is **1-888-826-3127**. Petitioner Edwards, you may choose to offer to compromise the debt for an amount you are able to pay, to settle the claim for less.

Findings, Analysis and Conclusions

10. The Secretary of Agriculture has jurisdiction over the parties, Petitioner Edwards and USDA Rural Development; and over the subject matter, which is administrative wage garnishment.
11. Petitioner Edwards owes the debt described in paragraphs 5 and 6.
12. Garnishment is authorized, up to 15% of Petitioner Edwards’ disposable pay. 31 C.F.R. § 285.11.

13. Repayment of the debt may also occur through *offset* of Petitioner Edwards' **income tax refunds** or other **Federal monies** payable to the order of Ms. Edwards.

Order

14. Until the debt is fully paid, Petitioner Edwards shall give notice to USDA Rural Development or those collecting on its behalf, of any changes in her mailing address; delivery address for commercial carriers such as FedEx or UPS; FAX number(s); phone number(s); or e-mail address(es).

15. USDA Rural Development, and those collecting on its behalf, are authorized to proceed with garnishment, up to 15% of Petitioner Edwards' disposable pay.

Copies of this Decision shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.
this 20th day of October 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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