

4. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$29,836.46** would increase the current balance by \$8,354.21, to \$38,190.67. *See* USDA Rural Development Exhibits, esp. RX-5, plus Ms. Kimball's testimony.

5. The amount borrowed from USDA Rural Development was \$44,500.00 in 1993. By the time of the foreclosure sale in 2009, that debt had grown to \$61,977.61:

\$ 35,179.12	Principal Balance prior to sale
\$ 13,616.16	Interest Balance prior to sale
<u>\$ 13,182.33</u>	Fee Balance prior to sale
\$ 61,977.61	Total Amount Due prior to sale
\$ 30,177.00	Total Amount Received from sale

RX-6.

So the sale proceeds paid less than half of what was owed.

6. Also admitted into evidence are Petitioner Dozier's testimony, and Petitioner Dozier's Consumer Debtor Financial Statement (filed October 29, 2010), and his Hearing Request documents and statements. Petitioner Dozier proved that he is a Parks and Recreation worker whose gross pay is roughly [REDACTED] per hour, roughly [REDACTED] per week, and roughly [REDACTED] to [REDACTED] per month. Petitioner Dozier's disposable pay is about [REDACTED] per week; or about [REDACTED] 3 per month. Petitioner Dozier's reasonable and necessary living expenses (in Waynes County), about [REDACTED] per month, are slightly more than his disposable pay. His medical care includes arthritis shots.

7. Petitioner Dozier's disposable pay does not support garnishment, which would create hardship. 31 C.F.R. § 285.11.

8. Petitioner Dozier is responsible and willing and able to negotiate the repayment of the debt with Treasury's collection agency.

Discussion

9. Through November 30, 2011, NO garnishment is authorized. *See* paragraphs 6 & 7. I encourage **Petitioner Dozier and the collection agency to negotiate promptly** the repayment of the debt. Petitioner Dozier, this will require **you** to telephone the collection agency after you receive this Decision. Petitioner Dozier, you may ask that the debt be apportioned separately to you and your former wife the co-borrower; you may ask to be

given consideration for your disposable pay being slightly less than your reasonable and necessary living expenses. The toll-free number for you to call is **1-888-826-3127**.

Findings, Analysis and Conclusions

10. The Secretary of Agriculture has jurisdiction over the parties, Petitioner Dozier and USDA Rural Development; and over the subject matter, which is administrative wage garnishment.

11. Petitioner Dozier owes the debt described in paragraphs 3 and 4.

12. **Through November 30, 2011, NO garnishment is authorized.** 31 C.F.R. § 285.11.

13. This Decision does not prevent repayment of the debt through *offset* of Petitioner Dozier's **income tax refunds** or other **Federal monies** payable to the order of Mr. Dozier.

Order

14. Until the debt is repaid, Petitioner Dozier shall give notice to USDA Rural Development or those collecting on its behalf, of any changes in his 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 **NOT** authorized to proceed with garnishment **through November 30, 2011**.

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

Done at Washington, D.C.
this 17th day of November 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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