

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 10-0427
)
Duane E. Mutispaw,)
)
Petitioner)

Dismissal of Petition for Oral Hearing

This matter is before me upon the request of the Petitioner, Duane Mutispaw, for a hearing in response to efforts of the United States Department of Agriculture – Rural Development (RD) to institute a federal administrative wage garnishment against him. On September 30, 2010, I issued a Pre-hearing Order requiring the parties to exchange information concerning the amount of the debt.

After consideration of its options, Ms. Mary Kimball representing RD advised that RD would concede to cancellation of the debt and Ms. Kimball further advised that RD would be issuing a IRS form 1099-c to Mr. Mutispaw relating to the debt cancellation.

Conclusions of Law

1. Petitioner Duane E. Mutispaw is indebted to USDA’s Rural Development program.
2. In addition, Duane E. Mutispaw is indebted for potential fees to the US Treasury.
3. All procedural requirements for administrative wage garnishment set forth in 31 C.F.R. ¶ 285.11 have been met.
4. RD will cancel the remainder of the debt owed by Duane E. Mutispaw.

5. RD will not refund any payments by the debtor toward the debt made prior to this date.

Order

1. The Administrative Wage Garnishment may NOT proceed against this debtor.
2. Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk's office.

JAMES P. HURT
Hearing Official
January 10, 2011