

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 10-0293

In re: Roosevelt Richardson,
Petitioner

Decision and Order

This matter is before the Administrative Law Judge upon the request of Petitioner for a hearing to address the existence or amount of a debt alleged to be due, and if established, the terms of any repayment prior to imposition of an administrative wage garnishment. On July 1, 2010, a Prehearing Order was entered to facilitate a meaningful conference with the parties as to how the case would be resolved, to direct the exchange of information and documentation concerning the existence of the debt, and setting the matter for a telephonic hearing on August 17, 2010.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on August 2, 2010. During the hearing, testimony was received from Mary E. Kimball, Accountant for the New Program Initiatives Branch of Rural Development, USDA, Saint Louis, Missouri and from the Petitioner. The Petitioner indicated that he had misplaced the Consumer Debtor Financial Statement and that his address had changed. At the conclusion of the hearing, the Petitioner was advised that a Consumer Debtor Financial Statement would be mailed to him at his new address and that he would be given 10 days in which to complete it and return it to the Hearing Clerk. Despite the passage of a significant amount of time, nothing further has been received

from him. Accordingly it will be deemed that the Petitioner has waived his right to further proceeding and the matter will be decided on the record.

On the basis of the entire record before me, the following Findings of Fact, Conclusions of Law and Order will be entered.

Findings of Fact

1. On August 8, 1986, the Petitioner and Angela Richardson, then his wife received a home mortgage loan in the amount of \$29,200.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Osteen, Florida. RX-1.
2. The property was sold at a foreclosure sale on July 7, 2004 with proceeds realized from that sale in the amount of \$21,000.00, leaving a balance due after payment of fees and credits of \$36,560.68. RX-3.
3. Treasury offsets totaling \$380.59 exclusive of Treasury fees have been received. RX-3.
4. The remaining unpaid debt is in the amount of \$16,002.59 exclusive of potential Treasury fees. RX-4.
5. The file has no evidence concerning the Petitioner's employment or his financial condition.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Petitioner is indebted to USDA Rural Development in the amount of \$16,002.59 exclusive of potential Treasury fees for the mortgage loan extended to him.

3. All procedural requirements for administrative wage offset set forth in 31 C.F.R. §285.11 have been met.
4. The Respondent is entitled to administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the wages of the Petitioner shall be subjected to administrative wage garnishment at the rate of 15% of disposable pay, or such lesser amount as might be specified 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.

February 10, 2011

Peter M. Davenport
Chief Administrative Law Judge

Copies to: Roosevelt Richardson
 Mary Kimball
 Dale Theurer

Hearing Clerk's Office
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 1031, South Building
Washington, D.C. 20250-9203
202-720-4443
Fax: 202-720-9776