

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) **AWG Docket No. 11-0058**
Beverly Huffstetler)
)
Petitioner) **Decision and Order**

1. The hearing by telephone was held on February 17, 2011. Ms. Beverly Huffstetler, also known as Beverly L. Huffstetler, formerly known as Beverly F. Lathan, the Petitioner (“Petitioner Huffstetler”), participated, representing herself (appearing *pro se*). 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.

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

mary.kimball@stl.usda.gov 314.457.5592 phone
314.457.4426 FAX

Summary of the Facts Presented

3. Admitted into evidence are the testimony of Mary Kimball and the USDA Rural Development Exhibits, plus Narrative, Witness & Exhibit List (filed January 31, 2011).

4. Admitted into evidence are the testimony of Petitioner Huffstetler, and Petitioner Huffstetler’s pay stub (filed February 16, 2011); her Consumer Debtor Financial Statement, her letter, and a letter from an attorney dated in 2001 (filed February 14, 2011); and her Hearing Request documents and statements.

5. USDA Rural Development (formerly USDA Farmers Home Administration) is owed a balance of **\$19,518.62**, remaining from a loan borrowed in 1992 to buy a home in South Carolina. The **\$19,518.62** remaining balance is now unsecured (“the debt”). *See* USDA Rural Development Exhibits, esp. RX 4.

6. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$19,518.62** would increase the current balance by \$5,465.21, to \$24,983.83. *See* USDA Rural Development Exhibits, esp. RX 5.

7. USDA Rural Development has failed to locate the promissory note associated with Account #80490189 will *cancel* the remaining **\$19,518.62** debt.

Findings, Analysis and Conclusions

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

9. **NO garnishment** of Petitioner Huffstetler’ pay is authorized; **NO further offset** of Petitioner Huffstetler’s **income tax refunds** or other **Federal monies** payable to the order of Ms. Huffstetler is authorized; **NO form of further debt collection** from Petitioner Huffstetler is authorized.

10. **NO refund** to Petitioner Huffstetler of monies already collected is appropriate, and no refund is authorized.

Order

11. No further collection of the debt from Petitioner Huffstetler is authorized; no refund is authorized.

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 February 2011

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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