

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWG Docket No. 11-0288
)	
Jennifer J. Fogg,)	
formerly, Jennifer J. Lyman,)	
)	
Petitioner)	Decision and Order

Pursuant to a Hearing Notice, I held a hearing by telephone, on July 26, 2011, at 2:30 PM Eastern Time, in consideration of a Petition seeking to dispute Petitioner's present obligation to pay a debt that Petitioner incurred when she assumed a single family mortgage loan in the amount of \$70,00.00. Petitioner had assumed the loan jointly with a former boy friend when she was 18 years old, to help a friend with credit problems. In that the loan was not paid, a short sale was held in the amount of \$100,000.00. After the application of the sale proceeds, Petitioner still owed on the debt. Since the sale, part of the debt has been collected from both her former boyfriend, Benjamin Glass, and from her through \$50.00 garnishments from the salary she receives every two weeks. Petitioner presently owes \$25,138.50 plus \$7,038.50 in fees to Treasury, or \$32,177.49 total. At the hearing, Petitioner was represented by Lawrence R. Sawyer, Attorney at Law, 17 Storm Drive, Windham, Maine. Mary Kimball, represented Respondent. Both Petitioner and Ms. Kimball were sworn.

Petitioner is married and has three children ages 18, 9 and 3, and is employed as a Buyer/Planner by Electronic Research, Inc. earning a gross monthly income of

[REDACTED] Her husband, Stephen Fogg, is employed as a Welder by Tri-Tank Welding

and Tub, and earns a gross monthly income of [REDACTED]. The couple's combined gross monthly income is [REDACTED]. Their combined monthly expenses are: rent/mortgage payments-[REDACTED]; gasoline-[REDACTED]; electricity-[REDACTED]; food-[REDACTED]; cable TV-[REDACTED]; clothing-[REDACTED]; medical expenses-[REDACTED]; day care-[REDACTED]; phone-[REDACTED]; cell phones-[REDACTED]; and car insurance-[REDACTED]. Total monthly expenses are: [REDACTED].

The monthly expenses exceed their combined monthly gross income. Respondent's representative, Mary Kimball, Accountant for the New Initiatives Branch, USDA Rural Development, filed supporting documents and gave testimony showing that the debt owed to it by Petitioner has a present balance of \$23,138.50 plus \$7,038.50 in fees to Treasury, or \$32,177.49 total.

Under these circumstances, there is no present disposable monthly income available for garnishment and the proceedings to garnish Petitioner's wages are hereby suspended and shall not be resumed for one (1) year from the date of this Order.

Dated: _____

Victor W. Palmer
Administrative Law Judge