

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) [AWG]  
 ) Docket No. **12-0591**  
Jose G. Saldana )  
 )  
Petitioner ) **Remand to USDA Rural Development and**  
 ) **Dismissal of Garnishment Proceeding and This Case**

Appearances:

Petitioner Jose G. Saldana, representing himself (appearing *pro se*); and

Giovanna Leopardi, Appeals Coordinator, United States Department of Agriculture, Rural Development, Centralized Servicing Center, St. Louis, Missouri, for the Respondent (USDA Rural Development).

1. Petitioner Jose G. Saldana (Petitioner Saldana) represents himself (appears *pro se*). A hearing by telephone was scheduled for September 28, 2012, but will not be held, because USDA Rural Development will recall the debt from the U.S. Treasury for further servicing by USDA Rural Development. An email dated September 22, 2012 on behalf of USDA Rural Development from Giovanna Leopardi states, among other things, that “the Debt Settlement Application was received but never reviewed. It was archived on May 3, 2012 under the Payment Assistance Section.”

Order

2. Until the debt is repaid, Petitioner Saldana 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).

3. This case is REMANDED to USDA Rural Development, which shall recall the debt from the U.S. Treasury and give Petitioner Saldana the opportunity to negotiate a repayment plan with USDA Rural Development.

4. If NO agreed repayment plan between Petitioner Saldana and USDA Rural Development happens, or there is a default in meeting repayment plan requirements, and if the debt is consequently submitted to the U.S. Treasury for Cross Servicing, Petitioner Saldana will be entitled anew to have a hearing, such as is described in the “Important Notice Concerning Administrative Wage Garnishment” that accompanied the U.S. Treasury’s “Notice of Intent to Initiate Administrative Wage Garnishment Proceedings”, dated July 10, 2012.

5. Accordingly, the Garnishment Proceeding and this case are DISMISSED, without prejudice to Petitioner Saldana to request a hearing timely, should garnishment be noticed.

Copies of this “Remand to USDA Rural Development and Dismissal of Garnishment Proceeding and This Case” shall be served by the Hearing Clerk upon each of the parties, together with **a copy of the email dated September 22, 2012.**

Done at Washington, D.C.  
this 25<sup>th</sup> day of September 2012

s/ Jill S. Clifton

Jill S. Clifton  
Administrative Law Judge

Giovanna Leopardi, Appeals Coordinator  
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