

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWG Docket No. 12-0486
)
Denise Christopher,)
)
Petitioner)

Order to Suspend Wage Garnishment

This matter is before me upon the request of the Petitioner, Denise Christopher, for a hearing in response to efforts of Respondent to institute a federal administrative wage garnishment against her. On August 16, 2012, I held an oral hearing at Petitioner’s request and received oral testimony under oath.

Additionally, Petitioner filed her financial statements subsequent to the oral hearing for use in a financial hardship calculation.

During the hearing, I requested RD to determine the State of Texas statutory requirements for posting the notice of sale. Upon receiving RD’s response, it remained unclear whether the three methods were cumulative or alternative. Several requests for clarification to RD were requested to no avail.

Petitioner’s request for hearing was a “late filing” which presumably means that Petitioner is still being wage garnished.

The record remains unclear whether all procedures for foreclosure were properly followed. Since the amount of the debt turns on whether the judicial sale was properly conducted, Petitioner should not suffer continuing financial harm in the interim.

Conclusions of Law

1. The garnishment of Petitioner, Denise Christopher's wages are suspended until a final determination is made.

2 All procedural requirements for administrative wage garnishment set forth in 31 C.F.R. ¶ 285.11 have been met.

4. Petitioner is under a duty to inform USDA's Rural Development of her current address, employment circumstances, and living expenses.

Order

1. The Administrative Wage Garnishment against this debtor is suspended.

2. Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk's office.

JAMES P. HURT

Hearing Official

October 22, 2012

Denise Christopher

Giovanna Leopardi

Dale Thurer