

# **UNITED STATES DEPARTMENT OF AGRICULTURE**

## **BEFORE THE SECRETARY OF AGRICULTURE**

AWG Docket No. 10-0090

In re: SHEILA BRADBY,

Petitioner

### **DECISION AND ORDER**

This matter is before the Administrative Law Judge upon the request of the Petitioner, Sheila Bradby, 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 February 17, 2010, a Prehearing Order was entered to facilitate a meaningful conference with the parties as to how the case would be resolved and to direct the exchange of information and documentation concerning the existence of the debt.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on March 3, 2010. The Petitioner filed documentation with Rural Development and it was forwarded to the Hearing Clerk on April 14, 2010. In the materials filed, Ms. Bradby acknowledged the debt, but indicated that she was employed only part time, the level of her income was less than the minimum prescribed in the Regulations and as a result, administrative garnishment was not appropriate.

A telephonic hearing was conducted on April 14, 2010. Those participating included Sheila Bradby, the Petitioner, Mary E. Kimball, Accountant for the New

Program Initiatives Branch, USDA Rural Development, Gene Elkin, Legal Liaison for Rural Development, the Administrative Law Judge and Diane Green, Secretary to the Acting Chief Administrative Law Judge. During the hearing, it was indicated that the pay stubs referred to in the Petitioner's letter were not in the file. The Petitioner agreed to fax a copy of her 2009 Federal Income Tax Return to Ms. Kimball. A copy of her W-2 Form was received after the hearing which indicated that in fact, the Petitioner's income is less than the minimum threshold for administrative wage garnishment.

The Narrative filed by the Respondent reflects that a total current balance of \$15,635.00 remains due and owing.

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. The remaining unpaid debt is in the amount of \$15,635.00. RX-4.
2. The Petitioner's income is less than the minimum threshold for garnishment.

**Conclusions of Law**

1. Sheila Bradby is indebted to the United States Treasury in the amount of \$15,635.00 for the mortgage loan extended to her.
2. 31 C.F.R. §285.11 precludes garnishment of the Petitioner's wages at this time.
3. The Respondent is NOT entitled to administratively garnish the wages of the Petitioner.

**Order**

For the foregoing reasons, the wages of the Sheila Bradby shall NOT be subjected to administrative wage garnishment at this time.

Copies of this Decision and Order will be served upon the parties by the Hearing Clerk.

Done at Washington, D.C.  
April 21, 2010

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**PETER M. DAVENPORT**  
Acting Chief Administrative Law Judge

Copies to: Sheila Bradby  
Mary E. Kimball  
Dale Theurer

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