

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0121

In re: WANDA GRIFFITH,
formerly known as WANDA ZWISLE,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Wanda Griffith, formerly known as Wanda Zwisle 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 March 11, 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 22, 2010. The Petitioner filed her material with the Hearing Clerk on April 8, 2010. In the materials provided, Ms. Griffith provided information concerning her limited financial status and explained that her husband is disabled and her 15 year old son also has health issues. During the hearing, it appeared that she understood that the obligation was joint and several and that although the

Government was also attempted to collect the remaining amount from her husband, it was entitled to collect the full amount from her.

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. On October 13, 1989, the Petitioner and her then husband Mark Zwisle received a home mortgage loan in the amount of \$55,900.00 from the United States Department of Agriculture's (USDA) Farmers Home Administration (FmHA) (now Rural Development (RD)) for property located at 124 Pleasant Acres Drive, York, Pennsylvania. RX-2.
2. The property was sold at a short sale on December 1, 2000 with proceeds realized from that sale in the amount of \$34,288.65, leaving a balance due of \$29,057.38. RX-4.
3. Treasury offsets totaling \$14,662.56 have been received. RX-4.
4. The remaining unpaid debt is in the amount of \$14,683.81 (exclusive of potential Treasury fees). RX-4.
5. The Petitioner's income is insufficient by itself to cover basic living expenses at this time, her husband is disable and not employed, and the family has significant recurring medical expenses.

Conclusions of Law

1. Wanda Griffith is indebted to USDA Rural Development in the amount of \$14,683.81 (exclusive of potential Treasury fees) for the mortgage loan extended to her.
2. Although all procedural requirements for administrative wage offset set forth in 31 C.F.R. §285.11 have been met, sufficient hardship is demonstrated to defer garnishment action at this time.

3. The Respondent is **NOT** entitled to administratively garnish the wages of the Petitioner until such time as the financial hardship has been removed.
4. The Respondent may review the Petitioner's financial condition after a period of twelve months, or upon receipt of new information indicating that her financial hardship has been resolved.
5. This Decision does not affect other actions taken by Treasury to collect the amount due.

Order

For the foregoing reasons, the wages of the Wanda Griffith shall be subjected to administrative wage garnishment at the rate of 15% of disposable pay, or such lesser amount as might be specified in 31 C.F.R. § 285.11(i).

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

Done at Washington, D.C.
May 20, 2010

PETER M. DAVENPORT
Acting Chief Administrative Law Judge

Copies to: Wanda Griffith
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