

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0122

In re: PATRICIA DAWN HADDIX BAHR,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Patricia Dawn Haddix Bahr 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 April 1, 2010. The Petitioner filed her material with the Hearing Clerk on April 8, 2010. In the materials provided, Ms. Bahr indicated that she had been told that she would owe nothing as she had been under the impression that the sale price was sufficient to satisfy the debt. During the hearing, it was explained to her that the obligation was joint and several and that the Government 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 June 16, 1986, the Petitioner and her then husband Robert L. Haddix received a home mortgage loan in the amount of \$55,000.00 from the United States Department of Agriculture's (USDA) Farmers Home Administration (FmHA) (now Rural Development (RD)) for property located at 626 Bairdford Road, Gibsonia, Pennsylvania. RX-1.
2. The property was sold at a short sale on October 15, 1998 with proceeds realized from that sale in the amount of \$33,592.38, leaving a balance due of \$36,311.84. RX-4.
3. Treasury offsets totaling \$7,463.89 have been received. RX-4.
4. The remaining unpaid debt is in the amount of \$27,932.08 (exclusive of potential Treasury fees of \$7,820.98). RX-4, 5.

Conclusions of Law

1. Patricia Dawn Haddix Bahr is indebted to USDA Rural Development in the amount of \$27,932.08 (exclusive of potential Treasury fees) for the mortgage loan extended to her.
2. All procedural requirements for administrative wage offset set forth in 31 C.F.R. §285.11 have been met.
3. The Respondent is entitled to administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the wages of the Patricia Dawn Haddix Bahr 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: Patricia Dawn Haddix Bahr
Mary Kimball
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