

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0162

In re: ANDREW T. GODFREY,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Andrew T. Godfrey 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 29, 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 14, 2010. The Petitioner did not respond and failed to provide a working telephone number where he might be reached. Attempts to contact the Petitioner by telephone have been unsuccessful and his failure to comply with the Prehearing Order will be deemed to constitute a waiver of his request for a hearing and the matter will be decided upon the record.

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 March 1, 1988, the Petitioner and Sherri Godfrey received a home mortgage loan in the amount of \$75,000.00 from the United States Department of Agriculture (USDA) Farmers Home Administration (FmHA, now Rural Development [RD]) for property located at 32 Oak Lane, Little Egg Harbor, New Jersey. RX-1.
2. The property was sold at a short sale on November 30, 2001. The total amount due prior to the sale was \$110,649.52, with proceeds realized from that sale in the amount of \$93,750.70, leaving a balance due of \$16,898.82. RX-3.
3. Three Treasury offsets totaling \$4,910.00 (less fees of \$71.83) have been received. RX-4.
4. The remaining unpaid debt is in the amount of \$12,801.42 (exclusive of potential Treasury fees). RX-4.

Conclusions of Law

1. Andrew T. Godfrey is indebted to USDA Rural Development in the amount of \$12,801.42 (exclusive of potential Treasury fees). for the mortgage loan extended to him.
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 Andrew T. Godfrey 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.

PETER M. DAVENPORT
Acting Chief Administrative Law Judge

Copies to: Andrew T. Godfrey
Mary Kimball
Dale Theurer

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