

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0134

In re: CRAIG MEEKER,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Craig Meeker 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 10, 2010, a Prehearing Order was entered to facilitate a meaningful conference with the parties as to how the case would be resolved, to direct the exchange of information and documentation concerning the existence of the debt, and setting the matter for a telephonic hearing on May 19, 2010.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on April 2, 2010. The Petitioner filed his documentation with the Hearing Clerk on April 7, 2010. A Revised Narrative and Witness List was filed on April 28, 2010. In the request for the hearing, the Petitioner had questioned the amount of the debt indicating that money had been applied to the debt. Following the entry of the Prehearing Order, the Petitioner provided a Consumer Debtor Financial Statement explaining their financial situation and in the accompanying letter asked how the full

amount of the debt had been calculated. At the hearing, the Petitioner was given two weeks in which to review the printout provided to him reflecting the application of all payments made. No further contact has been made by the Petitioner.

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 24, 1987, the Petitioner and Donna R. Meeker, his wife, received a home mortgage loan in the amount of \$18,992.32 from the United States Department of Agriculture (USDA) Farmers Home Administration (FmHA) (now Rural Development (RD)) for property located at 25 Berkshire Road, Sicklerville, New Jersey. RX-1.
2. On the same date, the Petitioner and his wife assumed an existing FmHA loan from Kenneth Webb and Sue Webb, his wife, in the amount of \$28,686.95. RX-2.
3. The Petitioner and his wife defaulted on the loans and foreclosure proceedings were initiated, with a judgment being entered against the Petitioners in August of 1998.
4. The property was sold at a foreclosure sale on October 2, 1998 with proceeds realized from that sale in the amount of \$10,457.48, leaving a balance due of \$55,950.05. RX-5.
5. Treasury offsets totaling \$5,957.72 (after fees) have been received. RX-5.
6. The remaining unpaid debt is in the amount of \$49,992.25 not counting fees assessed by the Treasury. Revised Narrative; RX-5.

Conclusions of Law

1. Craig Meeker is indebted to USDA Rural Development in the amount of \$49,992.25 not counting fees assessed by the Treasury 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 the 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.
June 21, 2010

PETER M. DAVENPORT
Chief Administrative Law Judge

Copies to: Craig Meeker
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Dale Theurer

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