

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: Rita R. Benjamin Hollenbeck  
Petitioner

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AWG Docket No. 10-0154  
  
**Decision**

On June 24, 2010, I held a hearing on the Petition by Rita E. Benjamin Hollenbeck respecting the amount of an her ability to pay the debt she owes to Respondent USDA, Rural Development for losses it incurred under a home mortgage loan. Petitioner and Mary Kimball, who testified for USDA/Rural Development, were both duly sworn. Respondent proved the existence of the debt owned by Ms. Hollenbeck due to her default on a mortgage loan for property located at 316 W. Condor Road, Condor, New York. The property was sold in a short sale, on July 25, 1997, for \$45,615.04. The total owed prior to the sale as \$87,720.55. Funds received from the sale were \$48,378.81. After these funds were applied to the debt, the amount due from Ms. Hollenbeck was \$39,374. 44. USDA has received \$13,095.95 from Treasury but after fees by Treasury was deducted, that amount recovered was reduced to \$12,746.23. The balance now due to USDA is \$26,601.21 plus \$7,448.34 in potential fees from Treasury. Ms. Hollenbeck is married and resides with her husband. She works for the Department of Social Systems of Tioga County New York as an Accounting Supervisor. Her gross annual salary is [REDACTED] payable bi-weekly at [REDACTED] her [REDACTED] monthly income is subject to monthly expenses of Rent - [REDACTED] Gasoline for car [REDACTED] Electricity - [REDACTED], Natural Gas - [REDACTED] Cable TV

█, Medicine - █ Food - █, Heating Fuel █ Union Dues - █0, NY Pension █  
Repayment of Expense incurred for son - █, Telephone - █, and taxes █ Her net  
disposable monthly income is █. Under pertinent regulations no more than 15% of  
disposable income may be subject to garnishment to pay a debt owed to a federal government  
agency. That means no more than █0 may be garnished from her salary.

Accordingly, no more than █ shall be garnished from Ms. Hollenbeck's pay. Though  
this decision does not preclude the debt's collection by the offset of Federal payments, such as  
tax refunds, through the action of the Treasury Department, it is recommended that the Treasury  
Department withhold such action and undertake to settle the claim in a manner that recognizes  
Petitioner's financial circumstances.

Dated: July 2, 2010

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**Victor W. Palmer**  
Administrative Law Judge