

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0199

In re: KIMBERLY A. GREGOIRE,
formerly KIMBERLY A. COX,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Kimberly A. Gregoire, formerly Kimberly A. Cox, 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 June 17, 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 July 20, 2010.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on June 7, 2010 . The Petitioner filed her documentation with the Hearing Clerk on July 14, 2010. During the hearing, Ms. Gregoire acknowledged signing the note and mortgage which gave rise to the obligation being sought to be collected and did not contest the amount alleged to be owed, but indicated that her other

obligations, primarily student loans precluded her ability to pay. She also indicated that the co-obligor had taken bankruptcy.

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 September 15, 1988, the Petitioner and Philip G. Gilikson received a home mortgage loan in the amount of \$95,000.00 from the Farmers Home Administration (FmHA), United States Department of Agriculture (USDA) now Rural Development (RD) for property located at 9 Daniel Street, Gorham, Maine. RX-1.
2. The property was sold at a foreclosure sale on February 13, 2004 with proceeds realized from that sale in the amount of \$120,000.00 leaving a balance due of \$27,567.80. RX-4.
3. Treasury offsets totaling \$10,637.37 have been received. RX-4.
4. The remaining unpaid debt is in the amount of \$16,930.43 (exclusive of potential Treasury fees). RX-4.
5. By virtue of the Petitioner's significant college loan indebtedness, she is under a financial hardship at this time.

Conclusions of Law

1. Kimberly A. Gregoire, formerly Kimberly A. Cox is indebted to USDA Rural Development in the amount of \$16,930.43 (exclusive of potential Treasury fees) for the mortgage loan extended to him/her.
2. By virtue of the Petitioner's financial hardship at this time, the Respondent is **NOT** entitled to administratively garnish the wages of the Petitioner.

3. The Petitioner's financial condition may be reviewed after a period of one year.

Order

For the foregoing reasons, the administrative wage garnishment proceedings shall be terminated at this time.

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

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

PETER M. DAVENPORT
Chief Administrative Law Judge

Copies to: Kimberly A. Gregoire
 Mary Kimball
 Dale Theurer

Hearing Clerk's Office
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 1031, South Building
Washington, D.C. 20250-9203
202-720-4443
Fax: 202-720-9776