

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0208

In re: KATHIE FRAKER-GREGOIRE,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Kathie Fraker-Gregoire 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 9, 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 24, 2010. The Petitioner filed her documentation with the Hearing Clerk on June 2, 2010. In the materials filed, the Respondent provided information concerning her financial condition reflecting only minimal income from a part time position which is at the approximate level of exemption from garnishment. During the hearing, the Petitioner indicated that due to her records being packed away that she was unable to contest the amount due.

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 November 14, 1988 and on March 5, 1992, the Petitioner received home mortgage loans in the amounts of \$62,900.00 and \$3,570.00 respectively from the Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Plainfield, Pennsylvania. RX-1.
2. The property was sold on February 24, 2000 with proceeds realized from that sale in the amount of \$30,890.66 leaving a balance due of \$48,201.47. RX-4.
3. Treasury offsets exclusive of fees totaling \$5,805.24 have been received. RX-4.
4. After credits, the remaining unpaid debt is in the amount of \$38,713.74 (exclusive of potential Treasury fees). RX-4.
5. The Petitioner is employed only part time and earns minimal wages which after required deductions is less than the amount exempt from garnishment.

Conclusions of Law

1. Kathie Fraker-Gregoire is indebted to USDA Rural Development in the amount of \$38,713.74 (exclusive of potential Treasury fees) for the mortgage loan extended to her.
2. The Petitioner's part-time wages are less than the amount exempted from garnishment.
3. The Respondent may **NOT** administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the administrative wage garnishment proceedings are terminated at this time. Review of the Petitioner's financial condition may be made after one year.

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: Kathie Fraker-Gregoire
 Mary Kimball
 Dale Theurer

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