

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0211

In re: MARIETTA P. WOOTEN,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Marietta P. Wooten 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 April 26, 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 28, 2010.

The Respondent partially complied with that Order and a Narrative was filed, together with supporting documentation on June 17, 2010. The Petitioner has responded and provided financial information which was filed by the Hearing Clerk on June 23, 2010. In the materials provided, Ms. Wooten indicated that she is currently drawing Social Security disability benefits.

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. The Petitioner is currently unemployed and is drawing Social Security disability benefits.
2. Collection of any indebtedness owed to Rural Development is unlikely absent significant medical improvement as that term is defined by applicable Social Security regulations.

Conclusions of Law

1. By virtue of being unemployed, the Petitioner may not be subjected to garnishment.
2. Disability benefit payments are not subject to garnishment.

Order

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

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

Done at Washington, D.C.
July 28, 2010

PETER M. DAVENPORT
Chief Administrative Law Judge

Copies to: Marietta P. Wooten
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