

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0243

In re: SANDRA K. YOUNG,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Sandra K. Young 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 July 1, 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 August 11, 2010.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on July 6, 2010. The Petitioner filed her documentation with the Hearing Clerk on July 29, 2010. In the materials provided, Ms. Young provided financial information which reflects expenses in excess of income and further indicated that she has medical problems which will compel her to retire at which time she will have even less income.

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 has monthly expenses in excess of her monthly income.
2. There is no current ability to pay any amount of indebtedness and the Petitioner will be found to be under a financial hardship.
3. The Petitioner has indicated that she is experiencing medical problems which will require her to retire from her current employment at which time she will have even less income.

Conclusions of Law

1. Although Sandra K. Young is indebted to USDA Rural Development, given her inability to pay, it is unnecessary to calculate the amount of indebtedness.
2. As she has only limited income, administrative wage garnishment is not appropriate on the grounds of hardship.
3. The Respondent is **NOT** entitled to administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the administrative wage garnishment proceeds shall be **TERMINATED**; however, such termination shall not affect any proceedings under the Treasury offset program.

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

Done at Washington, D.C.
August 11, 2010

PETER M. DAVENPORT
Chief Administrative Law Judge

Copies to: Sandra K. Young
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