

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0286

In re: FRANKIE L. JAMES,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Frankie L. James 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 17, 2010.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on July 26, 2010. The Petitioner has not filed any document or other material. At the hearing, the basis for the indebtedness was explained to the Petitioner. He testified that he is not employed at the current time.

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 May 5, 1992, the Petitioner and his wife, Evelyn L. James received a home mortgage loan in the amount of \$45,500.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Ocala, Florida. RX-1.
2. The property was sold at a foreclosure sale on August 31, 1999 with proceeds realized from that sale in the amount of \$40,000.00, leaving a balance after foreclosure fees due of \$17,125.69. RX-3.
3. The remaining unpaid debt is in the amount of \$17,125.69 exclusive of potential Treasury fees. RX-4.
4. The Petitioner is not employed at the present time.

Conclusions of Law

1. Frankie L. James is indebted to USDA Rural Development in the amount of \$17,125.69 exclusive of potential Treasury fees for the mortgage loan extended to him.
2. As the petitioner is not employed at the present time, administrative wage garnishment is not appropriate.
3. The Respondent is **NOT** entitled to administratively garnish the wages of the Petitioner until he has been employed for continuous twelve month period .

Order

For the foregoing reasons, the administrative wage garnishment proceeding are **TERMINATED**; however, the debt will remain at Treasury for any and all other appropriate collection action.

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

Done at Washington, D.C.
August 17, 2010

PETER M. DAVENPORT
Chief Administrative Law Judge

Copies to: Frankie L. James
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