

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWG Docket No. 10-0272
)	
Staci Roberts,)	
)	
Petitioner)	Decision and Order

On August 24, 2010, I held a telephonic hearing on a Petition to Dismiss an administrative wage garnishment proceeding to collect a debt allegedly owed to Respondent, USDA, Rural Development for a loss it incurred under a Single Family Housing Loan Guarantee. Petitioner represented herself. Mary Kimball represented and testified for Respondent and was duly sworn. Respondent proved the existence of the debt owed by Petitioner, Staci Roberts, and her former husband, Timothy Roberts, to Respondent for its payment of a loss sustained on a \$111,078.00 home mortgage loan. The mortgage loan was made, on November 30, 2005, by Draper & Kramer Mortgage Corp. to Petitioner and her former husband, in respect to property located at 1711 Prairie Circle, Cameron, MO. Prior to signing this loan, Petitioner, Staci Roberts, and her former husband, Timothy Roberts signed a Request for Single Family Housing Loan Guarantee, under which they certified and acknowledged that if USDA, Rural Development paid a loss claim on the requested loan, they would reimburse USDA, Rural Development. On November 1, 2007, there was a default on the loan and Respondent paid Draper & Kramer Mortgage Corp. \$33,136.66 as per the guarantee. The property was sold, on October 17, 2008, for \$102,000.00 which sum did not cover USDA's losses. Petitioner, Staci Roberts, and Timothy Roberts were divorced on February 22, 2010. USDA has received offsets from

Treasury consisting of income tax refunds that Petitioner would otherwise have received and the total amount of the present debt owed to USDA is [REDACTED] plus potential fees to Treasury of [REDACTED] or \$ [REDACTED] total. Ms. Roberts is 26 years old, lives with her three children ages 9, 7 and 6, and has not remarried. Her net wages as an Accountant employed by the State of Missouri's Department of Health are about [REDACTED] per month. Her normal monthly expenses are [REDACTED] per month. She also receives some income as a member of the National Guard which has called her up for five month's of basic training. She has virtually no disposable monthly income. For reasons of the financial hardship it would cause, wage garnishment is not presently authorized and may not again be instituted for the next twelve (12) months.

Order

For the foregoing reasons, administrative wage garnishment of the wages of the Petitioner, Staci Roberts, is not authorized at this time, and may not be again instituted for the next twelve (12) months.

This matter is stricken from the active docket.

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

Dated: _____

Victor W. Palmer
Administrative Law Judge