

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) **AWG Docket No. 10-0253**
Jeannie A. Whitton,)
)
Petitioner) **Decision and Order**

1. The hearing was held by telephone on August 18, 2010. Jeannie A. Whitton, the Petitioner (“Petitioner Whitton”), did not participate. Rural Development, an agency of the United States Department of Agriculture (USDA), is the Respondent (“USDA Rural Development”) and was represented by Mary E. Kimball.

2. The address for USDA Rural Development for this case is

Mary E. Kimball, Branch Accountant
USDA / RD New Program Initiatives Branch
Bldg 105 E, FC-22, Post D-2
4300 Goodfellow Blvd
St Louis MO 63120-1703

mary.kimball@stl.usda.gov 314.457.5592 phone
314.457.4426 FAX

3. Petitioner Whitton failed to provide a telephone number so that she could be included in the telephone hearing. Petitioner Whitton failed to file a Consumer Debtor Financial Statement or any other documents. Filed on April 29, 2010 is Petitioner Whitton’s Hearing Request dated March 10, 2010, with Petitioner’s letter dated 03/09/2010 attached, which I admit into evidence.

4. The telephone hearing proceeded without Petitioner Whitton. I admit into evidence USDA Rural Development Exhibits RX-1 through RX-5, together with the Narrative, Witness & Exhibit List (filed July 26, 2010).

Summary of the Facts Presented

5. Petitioner Whitton owes to USDA Rural Development a balance of **\$19,774.40** (as of

July 6, 2010), in repayment of a real estate loan made in 2003 (“the debt”). *See* USDA Rural Development Exhibits and Narrative.

6. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$19,774.40** would increase the balance by \$5,536.83, to \$25,311.23. *See* USDA Rural Development Exhibits, especially RX-4.

7. Petitioner Whitton’s disposable pay supports garnishment, up to the LESSER (smaller) of (a) 15% of Petitioner Whitton’s disposable pay OR (b) \$ [REDACTED] per month.

8. Petitioner Whitton is responsible and capable of negotiating the disposition of the debt with Treasury’s collection agency.

Discussion

9. I encourage **Petitioner Whitton and the collection agency to negotiate promptly** the repayment of the debt. Petitioner Whitton, this will require **you** to telephone the collection agency about two to three weeks after you receive this Decision. The toll-free number for you to call is **1-888-826-3127**. Petitioner Whitton, you may choose to offer to the collection agency to compromise the debt for an amount you are able to pay, to settle the claim for less.

Findings, Analysis and Conclusions

10. The Secretary of Agriculture has jurisdiction over the parties, Petitioner Whitton and USDA Rural Development; and over the subject matter, which is administrative wage garnishment.

11. Petitioner Whitton owes the debt described in paragraphs 5 and 6.

12. Petitioner Whitton’s disposable pay supports garnishment, up to the **LESSER (smaller)** of (a) 15% of Petitioner Whitton’s disposable pay **OR** (b) [REDACTED] per month. Garnishment in any greater amount would create hardship, due in part to Petitioner Whitton’s younger son’s medical expenses. 31 C.F.R. § 285.11.

13. This Decision does not prevent repayment of the debt through *offset* of Petitioner Whitton’s **income tax refunds** or other **Federal monies** payable to the order of Ms. Whitton.

Order

14. Until the debt is repaid, Petitioner Whitton shall give notice to USDA Rural Development or those collecting on its behalf, of any changes in her mailing address;

delivery address for commercial carriers such as FedEx or UPS; FAX number(s); phone number(s); or e-mail address(es).

15. USDA Rural Development, and those collecting on its behalf, are authorized to proceed with garnishment, up to the **LESSER (smaller)** of (a) 15% of Petitioner Whitton's disposable pay **OR** (b) \$ [REDACTED] per month.

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

Done at Washington, D.C.
this 24th day of August 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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