

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) **AWG Docket No. 10-0257**
Tina Rowten)
)
Petitioner) **Decision and Order**

1. The hearing was held by telephone on August 19, 2010. Ms. Tina Rowten, also known as Tina M. Rowten, the Petitioner (“Petitioner Rowten”), participated, representing herself. 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

Summary of the Facts Presented

3. Petitioner Rowten owes to USDA Rural Development a balance of **\$7,317.77** (as of July 6, 2010) in repayment of a loan made in 1999 (“the debt”). *See* USDA Rural Development Exhibits, plus Narrative, Witness & Exhibit List (filed July 28, 2010), which are admitted into evidence.

4. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$7,317.77** would increase the current balance by \$2,048.98, to \$9,366.75. *See* USDA Rural Development Exhibits, esp. RX-4.

5. Petitioner Rowten's testimony and exhibits (filed August 5 and 12, 2010), which are admitted into evidence, prove that she is paid [REDACTED] per hour, working as a cashier in retail sales only 24 hours per week. Petitioner Rowten testified that she had been working full-time until the week ending August 5, 2010, but that her hours were cut. This is confirmed by her exhibit from the Store Manager. Petitioner Rowten testified that since mid-July 2010, she no longer has her part-time job providing child care. Petitioner Rowten testified that she has job skills in only cashier and child care work, and that additional employment is difficult to find. Petitioner Rowten testified that due to arthritis and a deformity, she has limitations using her hands and cannot do repetitive or heavy work.

6. Petitioner Rowten's disposable pay does not support garnishment, which would create hardship. 31 C.F.R. § 285.11.

7. Petitioner Rowten is responsible and willing and able to negotiate the disposition of the debt with Treasury's collection agency.

Discussion

8. Through August 31, 2011, NO garnishment is authorized. *See* paragraphs 5 and 6. I encourage **Petitioner Rowten and the collection agency to negotiate promptly** the repayment of the debt. Petitioner Rowten, 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 Rowten, 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.

9. Petitioner Rowten has made substantial progress repaying, primarily through her income tax refunds.

Findings, Analysis and Conclusions

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

11. Petitioner Rowten owes the debt described in paragraphs 3 and 4.

12. **Through August 31, 2011, NO garnishment is authorized.** 31 C.F.R. § 285.11.

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

Order

14. Until the debt is repaid, Petitioner Rowten 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 **NOT** authorized to proceed with garnishment **through August 31, 2011**.

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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