

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0437

In re: James Peeler,

Petitioner

DECISION AND ORDER

This matter is again before the Administrative Law Judge upon the request of the Petitioner, James Peeler, 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. This matter was previously before me upon an identical request by the same Petitioner in an action which was docketed as AWG Docket No. 10-0074. On January 20, 2010 in that action, a Prehearing Order was entered to facilitate a meaningful conference with the parties as to how the case would be resolved and to direct the exchange of information and documentation concerning the existence of the debt.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on February 1, 2010. The Petitioner filed schedules of his income and expenses and his assets and liabilities but failed to provide a working telephone number at which he might be reached. At the time he requested a hearing, the Petitioner indicated that he had spoken with someone at Treasury and that he had been informed that the debt had been forgiven. Nothing further having been received from the Petitioner, his request for hearing was considered waived and the issues before me were

decided upon the record. After commencing the proceedings and filing a response, the Petitioner apparently moved without leaving a forwarding address. Efforts to serve him with a copy of the decision entered in that case were unsuccessful.

As that prior decision resolved the issues as to liability and terms of repayment, the Findings of Fact, Conclusions of Law and Order entered in that case will be adopted and set forth below.

Findings of Fact

1. On October 12, 2007, James Peeler applied for and received a home mortgage loan guarantee from the United States Department of Agriculture (USDA) Rural Development (RD) (Exhibit RX-1) and on November 6, 2007 obtained a home mortgage loan for property located at 1935 Bluebird Drive, Pleasant View, Tennessee from (J.P. Morgan Chase Bank, N.A. (Chase)) for \$135,660.00. RX-2.
2. In 2008, the Petitioner defaulted on the mortgage loan and foreclosure proceedings were initiated. RX-2.
3. Chase submitted a loss claim and USDA paid Chase the sum of \$39,958.89 for accrued interest, protective advances, liquidation costs and property sale costs. RX-2, 3.
4. The remaining unpaid debt is in the amount of \$51,147.38. RX-6.

Conclusions of Law

1. James Peeler is indebted to USDA Rural Development in the amount of \$51,147.38 for the mortgage loan guarantee extended to him. RX-6.
2. All procedural requirements for administrative wage offset set forth in 31 C.F.R. §285.11 have been met.
3. The Respondent is entitled to administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the wages of the James Peeler shall be subjected to administrative wage garnishment at the rate of 15% of disposable pay, or such lesser amount as might be specified in 31 C.F.R. § 285.11(i).

Copies of this Decision and Order as well as that entered in AWG Docket No. 10-0074 shall be served upon the parties by the Hearing Clerk's Office, with the Petitioner to be served at the address set forth on his most recent request for hearing.

September 27, 2010

Peter M. Davenport
Chief Administrative Law Judge

Copies to: James Peeler
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