

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	AWG Docket No. 10-0356
Sharon Meador,)	
n/k/a Voorhees)	
)	
Petitioner)	Decision and Order

1. The hearing by telephone was held on October 26, 2010. Ms. Sharon A. Voorhees, formerly known as Sharon A. Meador, the Petitioner (“Petitioner Voorhees”), participated, representing herself (appearing *pro se*). 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
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Summary of the Facts Presented

3. Petitioner Voorhees owes to USDA Rural Development a balance of **\$29,113.94** in repayment of a loan that she and her former husband borrowed in 1984. The loan was from the USDA Farmers Home Administration, now known as USDA Rural Development. Petitioner Voorhees and her former husband borrowed to buy a home in Missouri, and the **\$29,113.94** balance is now unsecured (“the debt”). See USDA Rural Development Exhibits, plus Narrative, Witness & Exhibit List (filed September 3, 2010), which are admitted into evidence, together with the testimony of Mary Kimball.

4. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$29,113.94** would increase the current balance by \$8,151.90, to \$37,265.84. *See* USDA Rural Development Exhibits, esp. RX-5.

5. Petitioner Voorhees' Consumer Debtor Financial Statement (filed October 14, 2010) and her Hearing Request documents and statements are admitted into evidence, together with the testimony of Petitioner Voorhees. Petitioner Voorhees proved that in 1989, her co-borrower, in their dissolution of marriage, was awarded the home that was security for the debt; and he was ordered to hold her harmless for the debt. Petitioner Voorhees proved that much of the debt now remaining was caused by her former husband's failure to make payments and his abandoning the house; for two years the house was vacant, and when it was sold, it brought only \$15,000. [The debt by then was \$50,960.89, including \$11,625.12 in interest.] RX-4. The following shows the increase in debt, largely her former husband's, the co-borrower's, doing:

1984	\$ 39, 888.00	loan made;
1989	?	dissolution, judge ordered home & debt to co-borrower;
1992	\$ 36,007.81	reamortization, likely co-borrower's delinquency (RX-1, p.3);
1999	\$ 50,960.89	balance due prior to foreclosure sale (RX-4);
1999	\$ 36,827.87	balance immediately after \$15,000 sale proceeds applied (includes \$866.98 pre-foreclosure fees)

6. Petitioner Voorhees proved that she works up to 32 hours per week as a Data Analyst in IT Security and is paid [REDACTED] per hour, gross. Petitioner Voorhees testified that frequently she does not work the 32 hours per week that are scheduled because of other demands and difficulties, including those of her adult daughter living with her who is disabled and has applied for Supplemental Security Income (SSI). Petitioner Voorhees' disposable pay probably ranges from [REDACTED] to [REDACTED] 0 per year, and she is delinquent in paying about \$541 in personal property taxes (for 2007, 2008, and 2009).

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

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

Discussion

9. Through November 30, 2011, NO garnishment is authorized. *See* paragraphs 5, 6 and 7. I encourage **Petitioner Voorhees and the collection agency to negotiate promptly** the repayment of the debt. Petitioner Voorhees, this will require **you** to telephone the collection agency after you receive this Decision. Petitioner Voorhees, you may ask that the

debt be apportioned separately to you and your former husband the co-borrower; you may ask to be considered for “disability inability to pay.” The toll-free number for you to call is **1-888-826-3127**.

10. Petitioner Voorhees has made progress repaying, primarily through her income tax refunds. RX-4, p. 2.

Findings, Analysis and Conclusions

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

12. Petitioner Voorhees owes the debt described in paragraphs 3 and 4.

13. **Through November 30, 2011, NO garnishment is authorized.** 31 C.F.R. § 285.11.

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

Order

15. Until the debt is repaid, Petitioner Voorhees 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).

16. USDA Rural Development, and those collecting on its behalf, are **NOT** authorized to proceed with garnishment **through November 30, 2011**.

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

Done at Washington, D.C.
this 2nd day of November 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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