

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0319

In re: Bobby Lee,

Petitioner

**Decision and Order**

This matter is before the Administrative Law Judge upon the request of Bobby Lee 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. On August 27, 2010, a Prehearing Order was entered to facilitate a meaningful conference with the parties as to how the case would be resolved, to direct the exchange of information and documentation concerning the existence of the debt, and setting the matter for a telephonic hearing on November 3, 2010.

A Narrative had previously been filed, together with supporting documentation on August 13, 2010. During the hearing, upon questioning by the judge it became apparent that the documentation filed with the Narrative contained only an unsigned copy of the Note and failed to adequately describe the property upon which the security interest was claimed.

On the basis of the entire record before me, the following Findings of Fact, Conclusions of Law and Order will be entered.

**Findings of Fact**

Although a Promissory Note dated April 20, 1993 was attached as purported evidence of the debt, the copy of the Note was unsigned and none of the documentation in the file identifies any specific property as being the subject of the mortgage claimed.

**Conclusions of Law**

1. The Respondent Rural Development failed to meet its burden of proof in establishing a debt in this case.
2. The Petitioner Bobby Lee is found not to owe Rural Development any sum on account of the 1993 mortgage loan purportedly made to him.

**Order**

1. The wage garnishment proceedings brought against Bobby Lee are **ORDERED TERMINATED**.
2. The account shall be recalled from Treasury as satisfied in full.
3. Amounts previously collected by Treasury need not be refunded.

Copies of this Order will be served upon the parties by the Hearing Clerk.

Date: November 3, 2010

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Peter M. Davenport  
Chief Administrative Law Judge

Copies to: John G. Goarlay, Jr.  
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