

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0322

In re: Tammie Bynum,

Petitioner

Decision and Order

This matter is before the Administrative Law Judge upon the request of Tammie Bynum 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 .

A Narrative was previously filed, together with supporting documentation on August 13, 2010. The Petitioner failed to comply with the terms of the Order dated August 27, 2010 and as provided in that Order, the case will be decided upon the record without a hearing.

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

1. On September 12, 1991, the Petitioner and her then husband received a home mortgage loan in the amount of \$44,700.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Dutton, Alabama. RX-1.
2. The property was sold at a foreclosure sale on February 24, 2009 with proceeds realized from that sale in the amount of \$32,976.27, leaving a balance due of \$10,046.79. RX-3.
3. Treasury offsets totaling \$1,016.80 exclusive of Treasury fees have been received. RX-3.
4. The remaining unpaid debt is in the amount of \$9,029.99 exclusive of potential Treasury fees. RX-4.

Conclusions of Law

1. Tammie Bynum is indebted to USDA Rural Development in the amount of \$9,029.99 exclusive of potential Treasury fees for the mortgage loan extended to her.
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 Tammie Bynum

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 shall be served upon the parties by the Hearing Clerk's Office.

Peter M. Davenport
Chief Administrative Law Judge

Date: November 3, 2010

Copies to: Tammie Bynum
Mary Kimball
Dale Theurer

Hearing Clerk's Office
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 1031, South Building
Washington, D.C. 20250-9203
202-720-4443
Fax: 202-720-9776