

Summary of the Facts Presented

5. Petitioner Boulrier owes to USDA Rural Development a balance of **\$58,177.16**, in repayment of United States Department of Agriculture / Rural Housing Service *Guarantee* for a loan made in 2007 by Countrywide Home Loans, Inc., for a home in Maine, the balance of which is now unsecured (“the debt”). *See* USDA Rural Development Exhibits, plus Narrative, Witness & Exhibit List (filed October 1, 2010), which are admitted into evidence, together with the testimony of Ms. Kimball.
6. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$58,177.16**, would increase the current balance by \$16,289.60, to \$74,466.76. *See* USDA Rural Development Exhibits, esp. RX-6.
7. With her Hearing Request Petitioner Boulrier provided a letter dated in July 2010, stating that the home went into foreclosure in August 2008, and that she has not been in the house since July 2008. Petitioner Boulrier provided no information about her income and expenses and no indication of hardship. I have no way of evaluating the factors to be considered under 31 C.F.R. § 285.11; consequently I must presume that Petitioner Boulrier can withstand garnishment up to 15% of Petitioner Boulrier’s disposable pay.
8. Petitioner Boulrier is responsible and able to negotiate the disposition of the debt with Treasury’s collection agency.

Discussion

9. Garnishment up to 15% of Petitioner Boulrier’s disposable pay is authorized. *See* paragraphs 7 and 8. I encourage **Petitioner Boulrier and the collection agency to negotiate promptly** the repayment of the debt. Petitioner Boulrier, this will require **you** to telephone the collection agency after you receive this Decision. The toll-free number for you to call is **1-888-826-3127**. Petitioner Boulrier, 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.

Findings, Analysis and Conclusions

10. The Secretary of Agriculture has jurisdiction over the parties, Petitioner Boulrier and USDA Rural Development; and over the subject matter, which is administrative wage garnishment.
11. Petitioner Boulrier owes the debt described in paragraphs 5 and 6.
12. **Garnishment is authorized**, up to 15% of Petitioner Boulrier’s disposable pay. 31 C.F.R. § 285.11.

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

Order

14. Until the debt is repaid, Petitioner Boulier 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 authorized to proceed with garnishment, up to 15% of Petitioner Boulier's disposable pay. 31 C.F.R. § 285.11.

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

Done at Washington, D.C.
this 4th day of November 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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