

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	AWG Docket No. 10-0404
Wendy Boulier)	
)	
Petitioner)	Decision and Order

1. The hearing by telephone was held as scheduled November 4, 2010. Wendy Boulier, the Petitioner (“Petitioner Boulier”), failed to appear. [She failed to appear by telephone; she did not provide a phone number where she could be reached.] 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
314.457.4426 FAX

3. I encourage **Petitioner Boulier and the collection agency** to work together to **establish a repayment schedule** rather than immediately proceeding with garnishment, even though this Decision authorizes garnishment, up to 15% of Petitioner Boulier’s disposable pay. *See* 31 C.F.R. § 285.11. Petitioner Boulier, obviously, will have to make herself available to the collection agency if she wants to negotiate. *See* paragraph 9.

4. This is Petitioner Boulier’s case (she filed the Petition), and in addition to failing to be available for the hearing, Petitioner Boulier failed to file with the Hearing Clerk any information. Petitioner Boulier’s deadline for that was October 22, 2010.

Summary of the Facts Presented

5. Petitioner Boulier 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 Boulier 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 Boulier 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 Boulier can withstand garnishment up to 15% of Petitioner Boulier’s disposable pay.

8. Petitioner Boulier is responsible and able to negotiate the disposition of the debt with Treasury’s collection agency.

Discussion

9. Garnishment up to 15% of Petitioner Boulier’s disposable pay is authorized. *See* paragraphs 7 and 8. I encourage **Petitioner Boulier and the collection agency to negotiate promptly** the repayment of the debt. Petitioner Boulier, 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 Boulier, 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 Boulier and USDA Rural Development; and over the subject matter, which is administrative wage garnishment.

11. Petitioner Boulier owes the debt described in paragraphs 5 and 6.

12. **Garnishment is authorized**, up to 15% of Petitioner Boulier’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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