

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0324

In re: Janice Dove,

Petitioner

Decision and Order

This matter is before the Administrative Law Judge upon the request of Janice Dove 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 9, 2010.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on September 27, 2010. The Petitioner failed to provide the Judge's office with a telephone number as directed in the Prehearing Order and has not provided any additional information subsequent to the filing of a request for a hearing. Noting the non compliance with the Prehearing Order and having received nothing further from the Petitioner, her request for a hearing will be deemed waived and the matter will be decided upon the record.

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 May 25, 2006, Janice Dove applied for and received a home mortgage loan guarantee from Rural Development (RD), United States Department of Agriculture (USDA) (Exhibit RX-1) and on June 22, 2006 obtained a home mortgage loan for property located in Coldwater, Michigan from American Southwest Mortgage Corp for \$55,300.00.
2. In 2007, the Petitioner defaulted on the mortgage loan and foreclosure proceedings were initiated in January of 2008. RX-2.
3. JP Morgan Chase Bank, N.A. submitted a loss claim as the servicing lender and USDA paid Chase the sum of \$33,220.44 for accrued interest, protective advances, liquidation costs and property sale costs. RX-2.
4. Treasury offsets totaling \$7,649.43 have been received. RX-5.
5. The remaining unpaid debt is in the amount of \$25,362.60, exclusive of potential Treasury fees. RX-5.

Conclusions of Law

1. Janice Dove is indebted to USDA Rural Development in the amount of \$25,362.60, exclusive of potential Treasury fees for the mortgage loan guarantee 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 the Janice Dove 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 9, 2010

Copies to: Janice Dove
 Mary Kimball
 Dale Theurer

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