

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Donnie Martin,) AWG Docket No. 10-0386
)
Petitioner)

Decision and Order

This matter is before me upon the request of the Petitioner, Donnie Martin, for a hearing in response to efforts of Respondent, USDA’s Rural Development Agency, Rural Housing Service, to institute a federal administrative wage garnishment against him. On September 27, 2010, I issued a Pre-hearing Order setting the hearing date and requiring the parties to exchange information concerning the amount of the debt.

I conducted a telephone hearing on November 8, 2010. Rural Housing was represented by Mary Kimball. Mr. Martin represented himself. At the beginning of the hearing, Ms. Kimball indicated that Rural Development intended to waive the balance due on Mr. Martin’s Farmers Home Administration loan on the property at question in this proceeding located in Gainsboro, TN.

Because Rural Development waived the loan balance, Mr. Martin does not have debt due to Rural Development for the property. Therefore, administrative wage garnishment is not appropriate.

Order

USDA Rural Development Agency, Rural Housing Service, and those collecting on its behalf, are not authorized to proceed with garnishment of Mr. Martin's pay.

Copies of this Decision and Order shall be served upon the parties by the Hearing Clerk's Office.

Done at Washington, D.C.
this 8th day of November 2010

STEPHEN M. REILLY
Hearing Official