

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0365

In re: Lorrie A. Ross,

Petitioner

Decision and Order

This matter is before the Administrative Law Judge upon the request of Lorrie A. Ross 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 31, 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 17, 2010.

The Respondent filed a Narrative together with supporting documentation on October 1, 2010. The Petitioner failed to comply with the Prehearing Order and has filed nothing with the Hearing Clerk's Office. At the time that she requested a hearing, the Petitioner indicated that she only worked part time and that she had been working less than a year at her current place of employment.

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 June 30, 1992, the Petitioner and her then husband James Ross received a home mortgage loan in the amount of \$65,800.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Martinsburg, West Virginia. RX-1, 2. The loan was subsequently reamortized with a principal balance of \$72,727.48 on August 28, 1999 to allow the couple to become again current.
2. The property was sold at a foreclosure sale on September 27, 2001 with proceeds realized by USDA from that sale in the amount of \$65,980.00, leaving a balance due of \$19,204.18. RX-5.
3. Since the sale proceeds were received, USDA has received \$8,355.99 in offsets from Treasury. RX-5.
4. The remaining unpaid debt is in the amount of \$10,848.19 exclusive of potential Treasury fees. RX-5.
5. The record indicates that the Petitioner is working at part time employment and has been doing so for less than a year and there is no evidence to the contrary.

Conclusions of Law

1. Lorrie A. Ross is indebted to USDA Rural Development in the amount of \$10,848.19 exclusive of potential Treasury fees for the mortgage loan extended to her.
2. The Petitioner is not eligible to be garnished until she has been working for a full twelve month period at an income level which exceeds the regulatory minimum.
4. The Respondent is **NOT** entitled to administratively garnish the wages of the Petitioner at this time.

Order

For the foregoing reasons, the wages of Lorrie A. Ross shall **NOT** be subjected to administrative wage garnishment at this time, but may be reviewed after six months to a year determine whether the Petitioner has been working for a continuous twelve month period at an income in excess of the exempted amount.

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 18, 2010

Copies to: Lorrie A. Ross
 Mary Kimball
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