

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) **AWG Docket No. 10-0430**
William Salmon,)
)
Petitioner) **Decision and Order**

1. The hearing was held on November 19, 2010, as scheduled. William Salmon, also known as William R. Salmon, the Petitioner (“Petitioner Salmon”) failed to appear. [Petitioner Salmon could not be reached at the telephone number listed on his hearing request, and he provided no other phone number; the person who answered the phone reported that Petitioner Salmon was on his way back from Denver. Petitioner Salmon never returned the call.] Rural Development, an agency of the United States Department of Agriculture (USDA), is the Respondent (“USDA Rural Development”) and was represented by Mr. Gene Elkin.

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 Salmon 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 Salmon’s disposable pay. Petitioner Salmon, obviously, will have to make himself available to the collection agency if he wants to negotiate. See paragraph 9.

4. This is Petitioner Salmon's case (he filed the Petition), and in addition to failing to be available for the hearing, Petitioner Salmon failed to file with the Hearing Clerk any information. Petitioner Salmon's deadline for that was November 5, 2010.

Summary of the Facts Presented

5. Petitioner Salmon owes to USDA Rural Development a balance of **\$24,324.87** (as of October 26, 2010) in repayment of a Farmers Home Administration loan he assumed in 1987 for a home in Texas, the balance of which is now unsecured ("the debt"). *See* USDA Rural Development Exhibits, plus Narrative, Witness & Exhibit List (filed October 29, 2010), which are admitted into evidence, together with the testimony of Mr. Elkin.

6. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$24,324.87** would increase the current balance by \$6,810.96, to \$31,135.83. *See* USDA Rural Development Exhibits, esp. RX-7.

7. Petitioner Salmon failed to file a Consumer Debtor Financial Statement or any other financial information or anything in response to my Order dated September 30, 2010; consequently there is no evidence before me regarding Petitioner Salmon's disposable pay or any 31 C.F.R. § 285.11 factors. I must presume that Petitioner Salmon's disposable pay supports garnishment, up to 15% of Petitioner Salmon's disposable pay.

8. Petitioner Salmon is responsible and capable of negotiating the disposition of the debt with Treasury's collection agency.

Discussion

9. I encourage **Petitioner Salmon and the collection agency to negotiate promptly** the repayment of the debt. Petitioner Salmon, 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 Salmon, you may choose to offer 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 Salmon and USDA Rural Development; and over the subject matter, which is administrative wage garnishment.

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

12. Garnishment is authorized, up to 15% of Petitioner Salmon's disposable pay. 31 C.F.R. § 285.11.

13. Repayment of the debt may also occur through *offset* of Petitioner Salmon's **income tax refunds** or other **Federal monies** payable to the order of Mr. Salmon.

Order

14. Until the debt is fully paid, Petitioner Salmon shall give notice to USDA Rural Development or those collecting on its behalf, of any changes in his 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 Salmon's disposable pay.

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

Done at Washington, D.C.
this 2nd day of December 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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