

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) **AWG Docket No. 10-0410**
Anthony J. Crannell,)
)
)
Petitioner) **Decision and Order**

1. The hearing was held by telephone on November 23, 2010. Anthony J. Crannell, the Petitioner (“Petitioner Crannell”), participated, representing himself (appeared *pro se*).
2. 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. 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. Petitioner Crannell’s Consumer Debtor Financial Statement (not signed and not dated) (filed October 12, 2010), is admitted into evidence, together with Petitioner Crannell’s Hearing Request (dated July 22, 2010) with the attached statement and divorce decree regarding the marriage of Cassondra K. Crannell and Anthony J. Crannell. USDA Rural Development Exhibits RX 1 through RX 6, together with the Narrative, Witness & Exhibit List (filed October 25, 2010) are admitted into evidence. The testimony of Petitioner Crannell and the testimony of Mary E. Kimball are admitted into evidence.

Summary of the Facts Presented

4. Petitioner Crannell owes to USDA Rural Development a balance of **\$34,994.05** (as of October 18, 2010), in repayment of a real estate loan made in March 2001 to finance the

purchase of a residence in Kansas (“the debt”), now unsecured. *See* USDA Rural Development Exhibits and Narrative.

5. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$34,994.05** would increase the current balance by \$9,798.33, to \$44,792.38. *See* USDA Rural Development Exhibits, especially RX 5.

6. Petitioner Crannell owes the debt, even though his former wife (his co-borrower) Cassandra K. Crannell, also known as Cassandra McFeters, was awarded the residence in Kansas and “the debt.”

7. Petitioner Crannell is responsible and capable of negotiating the disposition of the debt with Treasury’s collection agency.

Discussion

8. I encourage **Petitioner Crannell and the collection agency** to **negotiate promptly** the repayment of the debt. Petitioner Crannell, 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 Crannell, you may choose to offer to compromise the debt for an amount you are able to pay, to settle the claim for less. Meanwhile, **through November 30, 2011, NO garnishment is authorized**, because Petitioner Crannell’s testimony established that he was unemployed and had been involuntarily separated from his job. This Decision does not prevent repayment of the debt through *offset* of Petitioner Crannell’s **income tax refunds** or other **Federal monies** payable to the order of Mr. Crannell.

Findings, Analysis and Conclusions

9. The Secretary of Agriculture has jurisdiction over the parties, Petitioner Crannell and USDA Rural Development; and over the subject matter, which is administrative wage garnishment.

10. Petitioner Crannell owes the debt described in paragraphs 4 and 5.

11. **Through November 30, 2011, NO garnishment is authorized.** 31 C.F.R. § 285.11.

12. This Decision does not prevent repayment of the debt through *offset* of Petitioner Crannell’s **income tax refunds** or other **Federal monies** payable to the order of Mr. Crannell.

Order

13. Until the debt is repaid, Petitioner Crannell 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).

14. USDA Rural Development, and those collecting on its behalf, are **NOT** authorized to proceed with garnishment **through November 30, 2011**.

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

Done at Washington, D.C.
this 10th day of January 2011

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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