

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 11-0005

In re: Robin Tutor- Beck,
Petitioner

Decision and Order

This matter is before the Administrative Law Judge upon the request of Petitioner 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 November 24, 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 January 12, 2011.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on December 14, 2010. The Petitioner filed documentation as to her financial condition with the Hearing Clerk on January 6, 2011. When the call was made to the Petitioner at the time that the hearing was set, the call went directly to voice mail. As the financial information provided indicates that the Petitioner is not employed, there is sufficient information in the record to dispose of the issues before me without the need of further proceedings.

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 September 14, 1993, the Petitioner then known as Robin L. Tutor (now known as Robin Tutor-Beck and Robin McCracken) received a home mortgage loan in the amount of \$52,900.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Delmar, Iowa. RX-1.
2. Following default by the Petitioner and the institution of foreclosure proceedings, the Petitioner offered the property to USDA in lieu of foreclosure and received credit for \$24,000.00, leaving a balance due of \$35,042.74. RX-5.
3. Treasury offsets totaling \$1,183.68 exclusive of Treasury fees have been received. RX-5.
4. The remaining unpaid debt is in the amount of \$33,859.06 exclusive of potential Treasury fees. RX-5.
5. The Petitioner is not employed at the present time.

Conclusions of Law

1. Petitioner is indebted to USDA Rural Development in the amount of \$33,859.06 exclusive of potential Treasury fees for the mortgage loan extended to her.
2. The deed in lieu of foreclosure did not act to relieve the Petitioner of any remaining balance due.
3. As the Petitioner is not employed, she may not be subjected to administrative wage garnishment.

4. The Respondent is **NOT** entitled to administratively garnish the wages of the Petitioner; however, the debt may remain at Treasury for any and all other appropriate collection action.

Order

For the foregoing reasons, the wages of Petitioner shall **NOT** be subjected to administrative wage garnishment.

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

January 12, 2011

Peter M. Davenport
Chief Administrative Law Judge

Copies to: Robin Tutor-Beck
Mary Kimball
Dale Theurer

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