

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 11-0015

In re: Mylissa Pollard,  
Formerly known as Mylissa Curry,

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 14, 2011.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on December 14, 2010. The Petitioner neither submitted any material nor contacted the Office of Administrative Law Judges with contact information. Accordingly it will be deemed that the Petitioner has waived her right to a hearing and the matter will be decided on the record.

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 November 16, 1994, the Petitioner received a home mortgage loan in the amount of \$35,500.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Brownwood, Texas. RX-1.
2. The property was sold at a foreclosure sale on December 5, 2000 with proceeds realized from that sale in the amount of \$26,859.92, leaving a balance due after payment of fees and credits of \$24,671.06. RX-6.
3. Treasury offsets totaling \$2,273.95 exclusive of Treasury fees have been received. RX-6.
4. The remaining unpaid debt is in the amount of \$22,397.11 exclusive of potential Treasury fees. RX-6.
5. The file has no evidence concerning the Petitioner's employment or her financial condition.

### **Conclusions of Law**

1. The Secretary has jurisdiction in this matter.
2. Petitioner is indebted to USDA Rural Development in the amount of \$22,397.11 exclusive of potential Treasury fees for the mortgage loan extended to her.
3. All procedural requirements for administrative wage offset set forth in 31 C.F.R. §285.11 have been met.
4. The Respondent is entitled to administratively garnish the wages of the Petitioner.

**Order**

For the foregoing reasons, the wages of the Petitioner shall be subjected to administrative wage garnishment at the rate of 15% of disposable pay, or such lesser amount as might be specified in 31 C.F.R. § 285.11(i).

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

January 14, 2011

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Peter M. Davenport  
Chief Administrative Law Judge

Copies to: Mylissa Pollard  
Mary Kimball  
Dale Theurer

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