

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 10-0318

In re: Robyn M. Jones,

Petitioner

CORRECTED
DECISION AND ORDER

This matter is before me upon the request of Robyn M. Jones 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 11, 2010, I issued a Prehearing Order 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.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation RX-1 through RX-5 on August 8, 2010. Prior to the hearing Ms. Jones filed financial statements under oath (which I now label as PX-1).

On March 25, 2011 at the re-scheduled time, both parties were available for the conference call. Mary Kimball represented United States Department of Agriculture Rural Development (RD). The parties were sworn. Ms. Jones had made a payment offer regarding payoff of the balance due. However, because the matter was in “collection” status – RD could not act upon the offer.

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 August 23, 1984, Robyn Jones assumed a FmHA loan in the amount of \$50,000.00 from Val d. King and Denise King for a primary residence located at 21** W. 21** S. Syracuse, UT 84***.¹ Narrative, RX-1.
2. Ms. Jones reamortized her loan under the same terms on June 3, 1998.
3. The borrower defaulted on the loan and entered a short sale on November 9, 2000. Narrative. RX-3.
4. Prior to the sale, borrower owed \$62,649.58 in principal, \$13,370.96 in accrued interest and \$6,394.29 in fees for a total of \$82,414.83. Narrative, RX-3.
5. Post sale Treasury offsets in the amount of \$3,358.25 were received and applied to the account. Narrative, RX- 3.
6. The remaining unpaid debt is in the amount of \$8,056.58 exclusive of potential Treasury fees. RX-3, Narrative.
7. The remaining potential treasury fees are \$2,255.84. RX-4.
8. Ms. Jones has been employed for more than one year.
9. Ms. Jones submitted financial statements under oath.
10. I performed a Financial Hardship calculation which is attached.²

¹ Complete address maintained in USDA files.

² The Financial hardship calculations are not posted on the OALJ website.

Conclusions of Law

1. Robyn Jones is indebted to USDA Rural Development in the amount of \$8,056.58 for the mortgage loan assumed by her.
2. Robyn Jones is indebted to the US Treasury for potential fees in the amount of \$2,255.84.
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 at the rate of eight percent of her **monthly disposable income**³.

Order

For the foregoing reasons, the wages of Robyn Jones shall be subjected to administrative wage garnishment at the rate of eight percent (8%) of her monthly disposable income.

After one year, her financial situation may be reviewed.

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

Done at Washington, D.C.

April 22, 2011

JAMES P. HURT
Hearing Officer

Copies to: Mary Kimball
Dale Theurer

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³ The original order incorrectly used the term "gross pay."

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