

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWG Docket No. 11-0283
)	
Sonya K. Barton,)	
)	
Petitioner)	Dismissal of Petition

Pursuant to a Hearing Order, I scheduled a hearing to be conducted by telephone on July 26, 2011, 11:00 AM Eastern Time. In that Petitioner did not respond to the Hearing Order, and did not furnish a telephone number where she could be reached as the Order specified, the hearing could not be held. Mary E. Kimball, the representative for Respondent, United States Department of Agriculture-Rural Development (USDA-RD), was available for the July 26th hearing, but Petitioner was not. Petitioner did not comply with the Hearing Order that required her to file lists of exhibits and witnesses, and a narrative describing why she does not owe the alleged debt; why she cannot pay the alleged debt; and indicating what portion of the alleged debt she is able to pay through wage garnishment. Petitioner was further instructed to immediately contact my secretary and provide a telephone number where she could be reached for the scheduled Hearing by telephone, but she did not do so. The Order and various documents filed by Respondent were all sent to Petitioner by regular mail and none were returned as undelivered, and are presumed to have been served upon her.

Respondent filed copies of official USDA-RD records showing, and it is hereby found, that:

- On December 10, 1993, Petitioner obtained a home mortgage in the amount of \$30,600.00 to finance the purchase of property located at 1115 14th Street, Phil Campbell, AL, from USDA-RD's predecessor, USDA Farmers Home Administration, as evidenced by a Promissory Note and Mortgages signed by Petitioner (Exhibits RX-1 and RX-2).
- Petitioner defaulted on the mortgage loan and a foreclosure sale was held on April 22, 1998. USDA received \$15,500.00 from the sale when the balance owed on the loan for principal, interest and fees was \$31,927.92. After the sale proceeds were applied, Petitioner owed \$16,427.92. USDA sent the debt for collection to the United States Treasury Department, and has received \$5,094.33 from Treasury.
- The amount of the debt presently owed by Petitioner is shown by Treasury to be \$11,333.59 plus \$3,400.08 for collection fees assessed by Treasury for a total of \$14,733.67 (Exhibit RX-6).

Based on these findings and circumstances, it is concluded that: (1) the Petition should be dismissed; (2) Petitioner owes \$14,733.67 including lawfully assessed fees by Treasury; and (3) the proceeding to garnish Petitioner's wages may be resumed.

Accordingly, the petition is hereby **DISMISSED**, and the proceeding to garnish Petitioner's wages may be resumed at the applicable percentage rate of her disposable income allowed by Federal regulations.

Dated: _____

 Victor W. Palmer
 Administrative Law Judge