

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWG Docket No. 11-0344
)	
Thomas Griffin,)	
)	
Petitioner)	Decision and Order

On September 21, 2011, I held a hearing by telephone on a Petition to Dismiss an administrative wage garnishment proceeding to collect a debt allegedly owed to Respondent, USDA, Rural Development for losses it incurred under two loans it gave to Petitioner, Thomas Griffin. Petitioner was not represented by an attorney, and represented himself pro se. Respondent, USDA Rural Development, was represented by Mary Kimball. Petitioner, Thomas Griffin, and Mary Kimball who testified for Respondent, were each duly sworn.

Respondent proved the existence of the debt owed by Petitioner for payment of losses Respondent sustained on loans given to Petitioner, Thomas Griffin, to purchase a home located at 419 Pony Greer Rd., Rayville, LA. The loans are evidenced by a Promissory Note in the amount of \$21, 000.00 and \$11,580.00, dated September 18, 1991 (RX-1). Payments were not made on the loans and a short sale was held on August 9, 1999. USDA, Rural Development received \$24,000.00 from the sale. Prior to the sale, the combined amount Petitioner owed on the assumed loan and the additional mortgage loan to Respondent, USDA, Rural Development, was \$43,224.70 for principal, accrued interest and fees. After the sale proceeds were posted, Petitioner owed \$6,039.24 on one loan and \$12,870.46 on the other loan. Since the sale, \$3,046.87 has been collected by the

U. S. Treasury Department. A compromise was made in respect to the smaller loan and after a \$3,046.87 payment by Petitioner, that loan was cancelled. The amount that is presently owed on the remaining debt is \$8,986.25 plus potential fees to Treasury of \$2,695.88, or \$11,682.13 total (RX-6). Petitioner is employed as a “hired hand” by a well drilling company a net monthly income of [REDACTED] Petitioner has monthly expenses of: mortgage-[REDACTED] gasoline-[REDACTED]; electricity-[REDACTED] water-[REDACTED] food-[REDACTED]; IRS garnishment-[REDACTED]; and car insurance-[REDACTED] Petitioner wants to reduce and eventually pay off this debt. The maximum that may be garnished for this debt is [REDACTED] per month in order that excessive financial hardship is not imposed upon him.

USDA, Rural Development has met its burden under 31 C.F.R. §285.11(f)(8) that governs administrative wage garnishment hearings, and has proved the existence and the amount of the debt owed by the Petitioner. On the other hand, Petitioner showed that he has very little disposable income. Under these circumstances, I have decided and hereby order that no more than [REDACTED] per month may be garnished from his wages.

Dated:

Victor W. Palmer
Administrative Law Judge