

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 12-0315

In re: Reshunda Beeks

Petitioner

Decision and Order

This matter is before me 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 April 10, 2012, 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 Rural Development Agency (RD), Respondent, complied with the Discovery Order and a Narrative was filed, together with supporting documentation RX-1 through RX-4 on April 13, 2012. On May 30, 2012, at the time re-set for the hearing, both parties were available. Ms. Michelle Tanner represented RD. Ms. Beeks was self represented. The parties were sworn. During the hearing, Petitioner was encouraged to file her Financial Statements and payroll records by June 4, 2012, but none have been received.

Petitioner has been employed for more than one year.

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 January 5, 2007, Petitioner obtained a loan for the purchase of a primary home in the amount of \$67,913.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) to purchase her home on a property located in Amory, Mississippi. RX-1 @p. 1 of 9.
2. The Borrower became delinquent. The loan was accelerated for foreclosure on July 7, 2008. Narrative, RX-2 @ p. 1 of 5.
3. The home was sold in a “short sale” on January 10, 2011 for \$31,200.00. Narrative, RX-3 @ p. 3 of 16.
4. Prior to the sale the Borrower owed \$67,017.60 for principal, plus \$10,705.32 for interest, plus \$4,592.41 for fees, plus \$246.21 for interest on the fee balance, plus \$16.10 for late fees for a total of \$82,577.64 to pay off the RD loan. Narrative, RX-4 @ 1 of 4.
5. After application of the short sale proceeds, the borrower owed \$52,174.52 for the loans. RX-4 @ p. 1 of 4.
6. Treasury has collected an additional \$5,203.00 towards the debt. RX-4 @ 1-2 of 4.
7. The remaining amount due of \$46,971.52 was transferred to Treasury for collection on April 11, 2012. RX-4 @ p.3 of 4.
8. The potential Treasury collection fees are \$13,152.03. RX-4 @ p. 3 of 4.

9. Ms. Beeks is has been employed for more than one year. She qualifies in Mississippi for the S.N.A.P. food program. She has three children for which she is due court ordered child support but for which the payer is, thus far, delinquent in his payments.
10. Ms. Beeks is liable for the debt.
11. I am unable to perform a Financial Hardship Calculation for the family unit until I am provided with financial statements and payroll stubs.

Conclusions of Law

1. Petitioner is indebted to USDA Rural Development in the amount of \$46,971.52 exclusive of potential Treasury fees for the mortgage loan extended to her.
2. In addition, Petitioner is indebted for potential fees to the US Treasury in the amount of \$13,152.03.
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 this time.

Order

For the foregoing reasons, the wages of Petitioner shall be subjected to administrative wage garnishment at this time. After one year, RD may re-assess the Petitioner's financial position.

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

June 11, 2012

James P. Hurt
Hearing Official

Copies to: Reshunda Beeks
Michelle Tanner
Dale Theurer

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