

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 12-0485

In re: Sara E. Barrow,
k/n/a Sara E. Davis
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 June 27, 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-5 on July 24, 2012. Petitioner submitted no exhibits. Petitioner was afforded a prior hearing on December 1, 2010 and a Decision and Order was issued by Administrative Law Judge, Victor W. Palmer, on December 2, 2010. That Order determined the debt owed by Petitioner, but suspended wage garnishment for six (6) months. On August 16, 2012, at the time set for the hearing, both parties were available. Ms. Giovanna Leopardi represented RD. Ms. Barrow was self represented. The parties were sworn.

Petitioner has been self-employed as a home health care giver for more than one year. She does not work for an agency and she has only one patient who pays her directly for her services. As a self-employed contractor, RD conceded that her “wages” could not

be garnished, however the debt would remain and could be collected by Treasury, if and when, Petitioner begins receiving Federal benefits such as social security.

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 December 2, 2010, Administrative Law Judge, Victor W. Palmer determined the Petitioner's debt to Rural Development (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) to be \$14,554.26 plus potential fees to Treasury of \$4,075.19.
2. The debt remains at that amount. RX-5 @ p. 2 of 4.
3. Ms. Barrow's (k/n/a Sara E. Davis) present husband is not liable on the Petitioner's debt, however Petitioner and her former husband, Patrick G. Barrow are jointly and severally liable on the debt.
4. Ms. Barrow provided contact information for Patrick G. Barrow.
5. Ms. Barrow is now living in Jonestown, Texas and working as a self-employed home health giver.

Conclusions of Law

1. Petitioner is jointly and severally indebted to USDA Rural Development in the amount of \$14,554.26 exclusive of potential Treasury fees for the mortgage loan extended to her.
2. In addition, Petitioner is jointly and severally indebted for potential fees to the US Treasury in the amount of \$4,075.19.

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, if and when Petitioner earns wages - then the wages of Petitioner shall be subjected to administrative wage garnishment. 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.

August 21, 2012

James P. Hurt
Hearing Official

Copies to: Giovanna Leopardi
 Sara E. (Barrow) Davis
 Dale Theurer

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