

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 12-0366

In re: Deborah Bradford,
formerly Deborah Campbell,

Petitioner

Decision and Order

This matter is before the Administrative Law Judge 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 May 10, 2012, a Prehearing Order was entered 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 on July 24, 2012.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on May 23, 2012. The Petitioner filed her documentation with the Hearing Clerk on July 12, 2012. At the hearing held on July 24, 2012, both the Petitioner and Michelle Tanner, Appeals Coordinator, Rural Development, United States Department of Agriculture, St. Louis, Missouri testified.

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 April 6, 1989, the Petitioner and her then husband, James Campbell, Jr. received a home mortgage loan in the amount of \$43,500.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Lebanon, Virginia. RX-1.
2. In May of 2002, the marriage of the Petitioner and her husband was dissolved by decree entered on May 13, 2002 in the Circuit Court of Russell County, Virginia. As part of those proceedings, the ex-husband assumed financial responsibility for the related debt. PX-1.
3. Although apparently not disclosed to the divorce court, the property secured by the indebtedness to FmHA had previously been sold at foreclosure sale on November 27, 2001 with proceeds realized from that sale in the amount of \$24,815.50, leaving a balance due of \$22,360.88 after adding foreclosure expenses of \$725.00 to the amount due. RX-5.
4. After receipt of Treasury offsets, the remaining unpaid debt is in the amount of \$13,783.80 exclusive of potential Treasury fees. RX-6.

Conclusions of Law

1. Petitioner is indebted to USDA Rural Development in the amount of \$13,783.80 for the mortgage loan extended to him/her.
2. All procedural requirements for administrative wage offset set forth in 31 C.F.R. §285.11 have been met.
3. The Respondent is entitled to administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the wages of Petitioner shall be subjected to administrative wage garnishment at the rate of 15% of disposable pay, or such lesser amount as might be specified in 31 C.F.R. § 285.11(i).

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

July 24, 2012

Peter M. Davenport
Chief Administrative Law Judge

Copies to: Deborah Bradford
 Michelle Tanner
 Dale Theurer

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