

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 12-0378

In re: Jordy Weaver,
Petitioner

Decision and Order

This matter is before the Administrative Law Judge upon the request of Jordy Weaver asking 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 15, 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 case for a telephonic hearing on July 26, 2012.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on June 7, 2012. The Petitioner filed her materials, a letter and a Consumer Debtor Financial Statement with the Hearing Clerk on July 11, 2012. At the hearing held on July 26, 2012, both the Petitioner and Michelle Tanner, Appeals Coordinator, Rural Development, United States Department of Agriculture, St. Louis, Missouri participated.

On the basis of the record before me, nothing further having been received from the Petitioner, the following Findings of Fact, Conclusions of Law and Order will be entered.

Findings of Fact

1. On July 16, 2008, Jordy Weaver applied for and received a home mortgage loan guarantee from Rural Development (RD), United States Department of Agriculture (USDA). RX-1.
2. On August 26, 2008, she obtained a home mortgage loan for the purchase of property located in Casa Grande, Arizona from Wells Fargo Bank, N.A. (Wells Fargo) for \$105,458.00. RX-2.
3. In 2010, the Petitioner defaulted on her mortgage loan and foreclosure proceedings were initiated. RX-6. The foreclosure sale was held on September 7, 2010 and Wells Fargo acquired the property with a bid of \$56,950.00. RX-4.
4. Wells Fargo submitted a loss claim and USDA paid Wells Fargo the sum of \$75,846.75 for principal, accrued interest, protective advances, liquidation costs and property sale costs. RX-7, 8.
5. The remaining unpaid debt after application of Treasury offsets is in the amount of \$75,846.75, exclusive of potential Treasury fees.
6. The Consumer Debtor Financial Statement submitted by the Petitioner reflects that she has been employed for only seven months which is short of the twelve continuous month period required for garnishment.

Conclusions of Law

1. Jordy Weaver is indebted to USDA Rural Development in the amount of \$75,846.75 for the mortgage loan guarantee extended to her.
2. Because the Petitioner has been employed for only seven months, she is not eligible to be garnished at this time.
3. The Respondent is **NOT** entitled to administratively garnish the wages of the Petitioner at this time.

Order

For the foregoing reasons, the wages of the Petitioner may **NOT** be subjected to administrative wage garnishment. Once a continuous twelve month period of employment has been established, garnishment action may be resumed; however, any hardship determination in such case will be made by Treasury.

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

July 26, 2012

Peter M. Davenport
Chief Administrative Law Judge

Copies to: Jordy Weaver
Michelle Tanner
Dale Theurer

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