

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	[AWG]
Christopher Bretz)	Docket No. 12-0572
)	
Petitioner)	Decision and Order

Appearances:

none for Christopher Bretz, the Petitioner (Petitioner Bretz); and

Giovanna Leopardi, Appeals Coordinator, United States Department of Agriculture, Rural Development, Centralized Servicing Center, St. Louis, Missouri, for the Respondent (USDA Rural Development).

1. The Hearing by telephone was held as scheduled on September 27, 2012. Christopher Bretz, also known as Christopher P. Bretz, the Petitioner (Petitioner Bretz), represents himself (appears *pro se*) and did not participate.¹
2. Rural Development, an agency of the United States Department of Agriculture (USDA), the Respondent (“USDA Rural Development”), participated, represented by Giovanna Leopardi.

Summary of the Facts Presented

3. Petitioner Bretz failed to file a completed “Consumer Debtor Financial Statement” or anything, and he failed to testify.

¹ Petitioner Bretz’s wife discussed the case by phone with Giovanna Leopardi, advising that the remaining debt should now be fully paid, and that, consequently, there was no reason to go forward with the Hearing.

4. USDA Rural Development's Exhibits RX 1 through RX 6, plus Narrative, Witness & Exhibit List, were filed on September 25, 2012, and are admitted into evidence, together with the testimony of Giovanna Leopardi.

5. As of the Hearing, Petitioner Bretz owed to USDA Rural Development a balance of **\$94.32** in repayment of a United States Department of Agriculture / Rural Housing Service loan made in 2006, for a home in Missouri. The balance is unsecured ("the debt"). *See* USDA Rural Development Exhibits RX 1 through RX 6 (esp. RX 5 and RX 6), plus Narrative, Witness & Exhibit List, plus the testimony of Giovanna Leopardi.

6. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$94.32** would increase the current balance by \$26.41, to \$120.73. *See* RX 6, p. 2, and the testimony of Giovanna Leopardi.

7. The amount Petitioner Bretz borrowed in 2006 was \$76,796.00. RX 1.

8. The Notice of Acceleration and Notice of Intent to Foreclose was sent to Petitioner Bretz on July 6, 2007. RX 2. The home was sold in a short sale in January 2008, the proceeds applied on the loan, and interest stopped accruing. RX 5. The balance of the loan still due was \$18,680.93. Of that deficiency, \$7,472.93 was forgiven; \$11,208.00 remained to be paid. The records available confirmed that the balance had been reduced to **\$94.32**; and Petitioner Bretz's wife indicated to Giovanna Leopardi that another wage garnishment today would suffice to complete payment.

9. Petitioner Bretz provided no financial information, so there is no evidence for me to consider whether garnishment has caused or would cause Petitioner Bretz financial hardship. I presume Petitioner Bretz can withstand garnishment at 15% of his disposable pay in repayment of the debt. 31 C.F.R. § 285.11.

10. Petitioner Bretz is responsible and able to confirm the repayment of the debt with Treasury's collection agency.

Discussion

11. Garnishment of Petitioner Bretz's disposable pay is authorized. *See* paragraph 9. Petitioner Bretz, you may want to telephone Treasury's collection agency to confirm your repayment in full of the debt. Petitioner Bretz, this will require **you** to telephone Treasury's collection agency after you receive this Decision. The toll-free number for you to call is **1-888-826-3127**.

Findings, Analysis and Conclusions

12. The Secretary of Agriculture has jurisdiction over the parties, Petitioner Bretz and USDA Rural Development; and over the subject matter, which is administrative wage garnishment.

13. Petitioner Bretz owed the debt described in paragraphs 5 through 8.

14. Garnishment **up to 15%** of Petitioner Bretz's disposable pay is authorized. 31 C.F.R. § 285.11.

15. **No refund** to Petitioner Bretz of monies already collected or collected prior to implementation of this Decision will be ordered.

16. Repayment of the debt may also occur through *offset* of Petitioner Bretz's **income tax refunds** or other **Federal monies** payable to the order of Mr. Bretz.

Order

17. Until the debt is repaid, Petitioner Bretz shall give notice to USDA Rural Development or those collecting on its behalf, of any changes in his mailing address; delivery address for commercial carriers such as FedEx or UPS; FAX number(s); phone number(s); or e-mail address(es).

18. USDA Rural Development, and those collecting on its behalf, are authorized to proceed with garnishment **up to 15%** of Petitioner Bretz's disposable pay. 31 C.F.R. § 285.11.

19. I am **not** ordering any amounts already collected prior to implementation of this Decision, whether through *offset* or garnishment of Petitioner Bretz's pay, to be returned to Petitioner Bretz.

Copies of this Decision shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.
this 27th day of September 2012

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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