

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 13-0074

In re: Jamie C. Brockbank,  
formerly known as Jamie Hill,

Petitioner

**Decision and Order**

This matter is before the Office of Administrative Law Judges 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.

The Respondent filed a Narrative in this action, together with supporting documentation on November 21, 2012. On December 5, 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 January 8, 2013. The Petitioner failed to file any material, was not available when the teleconference was scheduled, and has provided no reasons for her non-availability. The Petitioner not having been available at the time the case was scheduled for hearing, I will find that she has waived her request for a hearing and the matter will be determined on the basis of the record before me.

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 August 5, 2005, the Petitioner and co-borrower Zachary Brockbank received a home mortgage loan in the amount of \$143,000.00 from Rural Development (RD), United States Department of Agriculture (USDA) for property located in Saratoga Springs, Utah. RX-1.
2. The property was sold at a short sale to a third party on April 24, 2012 for \$163,918.00, USDA received proceeds from that sale in the amount of \$136,045.81, leaving a balance due of \$3,719.11. RX-3, 6.
3. The remaining unpaid debt is in the amount of \$3,719.11 exclusive of potential Treasury fees. RX-7.

### **Conclusions of Law**

1. Petitioner is indebted to USDA Rural Development in the amount of \$3,719.11 for the mortgage loan extended to 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.

March 22, 2013

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**Peter M. Davenport**  
Chief Administrative Law Judge

Copies to:     Jamie C. Brockman  
                  Michelle Tanner  
                  Dale Theurer

Hearing Clerk's Office  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Room 1031, South Building  
Washington, D.C. 20250-9203  
202-720-4443  
Fax:           202-720-9776