

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0570

In re: JAMES MOORE,

Petitioner

**ORDER DISMISSING WAGE GARNISHMENT ACTION**

By Order issued October 4, 2012, I suspended action in this matter for six months pending the results of a review of a foreclosure against Petitioner's real property. By Order issued on April 10, 2013, I directed Petitioner to provide in writing the status of the review.

On April 22, 2012, Petitioner filed a request for another extension, along with a letter from the Independent Review Administration dated April 2, 2013. In that correspondence, it was made clear that the foreclosure action that was taken against Petitioner would be reviewed, but extensive additional time was necessary. Petitioner's lender was not among those required to make cash payments consequent to a recent settlement between Lenders and the United States Department of Justice.

Upon consideration of the totality of the evidence, I accord substantial weight to the evidence of both parties. Accordingly, the evidence regarding the validity of the debt is in equipoise, and the United States Department of Agriculture Rural Development has not met its burden of proving the debt by the preponderance of the evidence.

For the foregoing reasons, this action is DISMISSED with prejudice.

Copies of this Order shall be served on the parties by the Hearing Clerk.

So ORDERED this 9<sup>th</sup> day of May, 2013 in Washington, D.C.

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Janice K. Bullard  
Administrative Law Judge