

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0259

In re: DARETHA BRYANT DOBBS,
formerly DARETHA BRYANT,

Petitioner

DECISION AND ORDER

This matter is before the Administrative Law Judge upon the request of Daretha Bryant Dobbs, formerly Daretha Bryant 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 July 1, 2010, 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 August 10, 2010.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on July 2, 2010. The Petitioner who is represented by an attorney, Brian L. Boger, filed her documentation with the Hearing Clerk on July 29, 2010. In the materials provided, Ms. Dobbs indicated that she has been disabled since 1986 and has been drawing Social Security benefits since that time. Her attorney has

indicated that although she has never been declared to be under any legal disability, she had limited comprehension of the details of the short sale of her residence and that the parties included a USDA employee (now deceased) who allegedly participated in a transaction which would have been a conflict of interest.

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 June 30, 1992, the Petitioner received a home mortgage loan in the amount of \$33,000.00 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Saluda, South Carolina . RX-1.
2. The property was sold at a short sale on March 10, 2000 with proceeds realized from that sale in the amount of \$17,528.77, leaving a balance due of \$29,993.42. RX-3.
3. Treasury offsets totaling \$1,950.85 exclusive of Treasury fees have been received. RX-4.
4. The remaining unpaid debt is in the amount of \$24,042.57, exclusive of potential Treasury fees. RX-4.
5. The Petitioner is disabled and draws Social Security benefits. Although she is also employed, she has limited income and is considered to be under a financial hardship at this time and for the foreseeable future.

Conclusions of Law

1. Daretha Bryant Dobbs is indebted to USDA Rural Development in the amount of \$24,042.57, exclusive of potential Treasury fees for the mortgage loan extended to her.
2. As she is disabled and has only limited income, administrative wage garnishment is not appropriate.
3. The Respondent is **NOT** entitled to administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the administrative wage garnishment proceeds shall be **TERMINATED**; however, such termination shall not affect any proceedings under the Treasury offset program.

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

Done at Washington, D.C.
August 10, 2010

PETER M. DAVENPORT
Chief Administrative Law Judge

Copies to: Brian L. Boger, Esquire
Mary Kimball
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