

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) **AWG Docket No. 10-0290**
Larry Goodenough,)
)
)
Petitioner) **Decision and Order**

1. The hearing was held by telephone on August 31, 2010. Larry Goodenough, also known as Larry P. Goodenough, the Petitioner (“Petitioner Goodenough”), did not participate. Rural Development, an agency of the United States Department of Agriculture (USDA), is the Respondent (“USDA Rural Development”) and was represented by Mary E. Kimball.

2. The address for USDA Rural Development for this case is

Mary E. Kimball, Branch Accountant
USDA / RD New Program Initiatives Branch
Bldg 105 E, FC-22, Post D-2
4300 Goodfellow Blvd
St Louis MO 63120-1703

mary.kimball@stl.usda.gov 314.457.5592 phone
314.457.4426 FAX

3. Petitioner Goodenough provided no telephone number to be reached for the telephone hearing, despite being instructed to do so in my Order dated June 30, 2010. The telephone hearing proceeded without Petitioner Goodenough. I admitted into evidence USDA Rural Development Exhibits RX-1 through RX-6, together with the Narrative, Witness & Exhibit List (filed July 28, 2010). Petitioner Goodenough failed to file a Consumer Debtor Financial Statement or any documents. Petitioner Goodenough’s Hearing Request (signed April 28, 2010) stated that he does not owe the debt and gave the following reason: “I never did anything with them. I do not even know what the \$40,808.56 is for. I do not recall ever having anything to do with the Department of Agriculture.” A month ago Petitioner Goodenough should have received from USDA Rural Development his copy of the Exhibits RX-1 through RX-6, together with the Narrative, Witness & Exhibit List, so he

will be apprised of the two loans that comprise the debt detailed below. Petitioner Goodenough is welcome to contact USDA Rural Development (contact information shown above) to obtain his copy of the Narrative and six exhibits, if for any reason he does not have his copy.

Summary of the Facts Presented

4. Petitioner Goodenough owes to USDA Rural Development a balance of **\$88,052.39** (as of July 2010) in unsecured loans, for the loan borrowed from Farmers Home Administration in 1993 (Account #5406129); and the assumption of the Farmers Home Administration loan in 1993 (Account #5406132) (both loans together comprise “the debt”). *See* USDA Rural Development Exhibits and Narrative.

5. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$88,052.39** would increase the current balance by \$24,654.67, to \$112,707.06. *See* USDA Rural Development Exhibits, especially RX-6. [Page 1 of RX-6 shows the assumption (was Account #5406132), which has the larger balance; Page 2 of RX-6 shows the loan that was originated by Petitioner Goodenough and his co-borrower (was Account #5406129), which has the smaller balance.]

6. Petitioner Goodenough failed to file financial information or anything in response to my Order dated June 30, 2010; consequently there is no evidence before me regarding Petitioner Goodenough’s disposable pay or any 31 C.F.R. § 285.11 factors. I must presume that Petitioner Goodenough’s disposable pay supports garnishment.

7. Petitioner Goodenough is responsible and capable of negotiating the disposition of the debt with Treasury’s collection agency.

Discussion

8. I encourage **Petitioner Goodenough and the collection agency to negotiate promptly** the repayment of the debt. Petitioner Goodenough, this will require **you** to telephone the collection agency about two to three weeks after you receive this Decision. The toll-free number for you to call is **1-888-826-3127**. Petitioner Goodenough, you may choose to offer to compromise the debt for an amount you are able to pay, to settle the claim for less.

Findings, Analysis and Conclusions

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

10. Petitioner Goodenough owes the debt described in paragraphs 4 and 5.
11. Garnishment is authorized, up to 15% of Petitioner Goodenough's disposable pay. 31 C.F.R. § 285.11.
12. Repayment of the debt may also occur through *offset* of Petitioner Goodenough's **income tax refunds** or other **Federal monies** payable to the order of Mr. Goodenough.

Order

13. Until the debt is repaid, Petitioner Goodenough 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).
14. USDA Rural Development, and those collecting on its behalf, are authorized to proceed with garnishment.

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

Done at Washington, D.C.
this 31st day of August 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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