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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 10-0358

In re: CindyLou Oppel,
Petitioner

Decision and Order

This matter is before the Administrative Law Judge upon the request of CindyLou Oppel 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 August 30, 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 November 16, 2010.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on September 27, 2010. The Petitioner filed her documentation with the Hearing Clerk on October 13, 2010. The material filed by the Petitioner and confirmed by her testimony under oath indicates that she is currently unemployed and has minimal assets.

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 January 5, 1995, the Petitioner assumed a home mortgage loan in the amount of \$64,437.35 from Farmers Home Administration (FmHA), United States Department of Agriculture (USDA), now Rural Development (RD) for property located in Holley, New York. RX-1. On the same date, she also signed an additional promissory note in the amount of \$5,600.00, with both obligations secured by a real estate mortgage. RX-2, 3.
2. The Petitioner defaulted on the loans and the property was sold at a short sale on March 5, 1999 with proceeds realized from that sale in the amount of \$46,863.63, leaving a balance due of \$32,788.86. RX-5.
3. Treasury offsets totaling \$4,627.60 exclusive of Treasury fees have been received. RX-5.
4. The remaining unpaid debt is in the amount of \$28,161.26 exclusive of potential Treasury fees. RX-5.
5. The Petitioner is currently unemployed.

Conclusions of Law

1. CindyLou Oppel is indebted to USDA Rural Development in the amount of \$28,161.26 exclusive of potential Treasury fees for the mortgage loans extended to her.
2. The Petitioner is currently unemployed and is ineligible for administrative wage garnishment.
3. The Respondent is **NOT** entitled to administratively garnish the wages of the Petitioner.

Order

For the foregoing reasons, the wages of CindyLou Oppel shall **NOT** be subjected to administrative wage garnishment until such time as she has been continuously employed for a continuous twelve month period.

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



Peter M. Davenport
Chief Administrative Law Judge

Date: November 16, 2010

Copies to: CindyLou Oppel
Mary Kimball
Dale Theurer

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