

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

AWG Docket No. 11-0087

In re: Ted Webber,

Petitioner

Decision and Order

This matter is before the Administrative Law Judge upon the request of Ted Webber 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 February 8, 2011, 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 case for a telephonic hearing on March 17, 2011.

The Respondent complied with that Order and a Narrative was filed, together with supporting documentation on February 17, 2011. The Petitioner contacted the Office of Administrative Law Judges with a telephone number at which he could be reached, but did not file any additional material. On the date and at the time set for the hearing, the Petitioner could not be reached. At the time of filing his request for hearing, the Petitioner indicated that he disputed the debt indicating that the house was foreclosed upon in 2009. As the Petitioner was unavailable at the time set for the hearing, he will be deemed to have waived his right to a hearing.

On the basis of the record before me, nothing further having been received from the Petitioner, the following Findings of Fact, Conclusions of Law and Order will be entered.

Findings of Fact

1. On June 14, 2007. Ted Weber applied for and received a home mortgage loan guarantee from Rural Development (RD), United States Department of Agriculture (USDA), RX-2) and on July 26, 2007 obtained a home mortgage loan for property located in Youngsville, Louisiana from J.P. Morgan Chase Bank, N.A. (Chase) for \$138,000.00. RX-1.
2. In 2008, the Petitioner defaulted on the mortgage loan and foreclosure proceedings were initiated. RX-3.
3. Chase submitted a loss claim and USDA paid Chase the sum of \$29,190.96 for accrued interest, protective advances, liquidation costs and property sale costs. RX-3, 4.
4. The remaining unpaid debt is in the amount of \$29,190.96 exclusive of Treasury fees. RX-6/

Conclusions of Law

1. Ted Weber is indebted to USDA Rural Development in the amount of \$29,190.96 exclusive of Treasury fees for the mortgage loan guarantee extended to him.
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 the Ted Weber 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 17, 2011

Peter M. Davenport
Chief Administrative Law Judge

Copies to: Ted Weber
Mary Kimball
Dale Theurer

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