



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 21, 2011

CBCA 2116-DBT

In the Matter of CHERISH B.

Cherish B., Petitioner.

Adele Vine, Office of Regional Counsel, General Services Administration, Kansas City, MO, appearing for General Services Administration.

POLLACK, Board Judge.

This petition is before the Board from a request by a debtor for a hearing to dispute a wage garnishment initiated by the Department of the Treasury, Private Collections Division (Treasury). The debt in issue, initially in the range of \$1200, arose out of damage to a General Services Administration (GSA) vehicle caused by the debtor as a result of a traffic accident. The amount has increased due to interest and penalties. Treasury, in a separate process, has offset a tax refund against the debt; however, because of interest and penalties, that did not extinguish the debt owed. On information and belief, it is understood that the remaining debt subject to garnishment (as of April 2011) was in the range of \$1000. Our jurisdiction over these matters deals with the existence or amount of the debt, if that is contested, and the terms of the repayment schedule under a proposed garnishment order. In this case, the validity of the debt itself is not in issue, so our consideration is limited to the application and structure of any garnishment of wages on the debt that is owing.

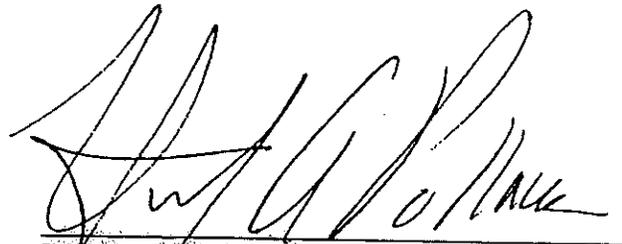
This appeal was docketed by the Board on August 20, 2010. Since that time, the Board and GSA counsel have made repeated attempts to have the debtor clarify her position, so as to possibly settle the matter. This culminated in an order (after a telephone conversation) from the Board of April 11, 2011, which provided that if the debtor filed an affidavit stating lack of employment and inability to pay, GSA counsel would recommend the Government close out the matter. That close out would solely be to the garnishment as to the GSA debt. The close out could not affect any action Treasury might take on its own, as Treasury's actions are outside of the Board or GSA counsel's control.

Since the issuance of the order, neither the Board nor GSA counsel has received any affidavit. The Board has made several telephone attempts to contact the debtor, with no response.

It is the obligation of the debtor to pursue the challenge to the garnishment. The debtor has failed to do that in this case, even though she has been given more than ample opportunity.

Decision

Accordingly, the petition is dismissed for failure to prosecute.

A handwritten signature in black ink, appearing to read 'Howard A. Pollack', written over a horizontal line.

HOWARD A. POLLACK
Board Judge