



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 14, 2021

CBCA 7192-DBT

In the Matter of JORDAN B.

Jordan B., Petitioner.

Kimberly I. Thayer, Office of General Counsel, National Tort Claims Center, General Services Administration, Washington, DC, appearing for General Services Administration.

SHERIDAN, Board Judge.

Petitioner's vehicle was involved in an accident with a United States Government vehicle, tag number G13-3390N, on May 3, 2017. Based on the facts and circumstances of the accident, petitioner was issued a written warning that cited 228 Conn. Gen. Stat. § 14-240 (2017).

After reviewing the documentation, the General Services Administration (GSA or agency) notified petitioner on June 8, 2017, that he was liable for the damages to the government vehicle totaling \$4263.02. Petitioner was also notified that he was responsible for informing his insurer, and of various other charges, including interest, that might be owed if he did not make timely payment on the amount due. The Government collected some of the damages through administrative offset and is now attempting to recover additional amounts through administrative wage garnishment.¹ Petitioner challenges the agency's administrative wage garnishment request.

¹ During the August 31, 2021, telephone conference held by the Board, the parties indicated that some collection on the debt had been made via administrative offset of a federal tax return, but neither party has made clear to the Board the amount of the offset or when it occurred..

Background

On June 2, 2021, the Department of the Treasury provided petitioner a notice of intent to initiate administrative wage garnishment proceedings for the amount of \$7197.04. This amount included interest on the originally owed amount of \$4263.02 to the date of the notice. Petitioner was afforded the notice and rights set forth in 41 CFR 105-57.004 (2020). Petitioner indicated that he disputed the amount and requested a hearing on the debt owed, whereupon the matter was docketed as CBCA 7192-DBT.² This decision is the final agency action for the purposes of judicial review under the Administrative Procedure Act, 5 U.S.C. §§ 701–706 (2018). *See* 41 CFR 105-57.005(j).

An initial telephone conference was conducted on August 31, 2021, during which petitioner admitted that he was at fault in the accident but stated that he had insurance coverage that should have paid for the damage. GSA’s counsel was instructed to contact petitioner’s insurance carrier to see about the coverage. Agency counsel reported to the Board that she contacted the insurance carrier but that the carrier claimed it did not cover petitioner for the accident at issue. Agency counsel attempted to contact petitioner to discuss the situation but asserted to the Board that he did not respond to her attempts at contact.

Petitioner failed to attend a conference call scheduled for September 22, 2021, and did not return voice and email messages left for him by the Board. On September 22, 2021, petitioner was ordered to show cause why a decision authorizing garnishment of \$7197.04 should not be entered against him in this matter. He did not respond to that order and has submitted no additional evidence in this matter. In the absence of a showing of good cause, a debtor who fails to provide written submissions shall have waived his or her opportunity to do so. *See* 41 CFR 57.005(k). Nevertheless, out of an abundance of caution, the undersigned conducted a “paper hearing” in this matter, since petitioner requested a hearing. *See* 41 CFR 57.005(b)(4).

Records and correspondence attached to the GSA hearing request constitute prima facie evidence that petitioner caused the accident on May 3, 2017. We find that GSA has satisfied its initial “burden of establishing the existence and/or amount of the debt.” 41 CFR 105-57.005(f)(1). Other than checking boxes disputing the existence and amount of the debt, petitioner has not presented any evidence to rebut GSA’s submissions establishing liability. Further, during the telephone conference on August 31, 2021, petitioner verbally conceded that the accident was his fault.

² The regulations that GSA followed in this matter are authorized by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3720D, and the Department of the Treasury wage garnishment regulations at 31 CFR 285.11.

Petitioner has failed to rebut GSA's evidence establishing liability, and the debt stands.

Decision

Based on the foregoing, I find that the debt of \$7197.04 is legally enforceable against petitioner, except that, to the extent that the Government has already administratively offset any of this debt, the amount to be collected through administrative wage garnishment shall be reduced accordingly. GSA is authorized to seek collection of this outstanding obligation by means of administrative wage garnishment to the extent authorized by law.

Patricia J. Sheridan

PATRICIA J. SHERIDAN

Board Judge