



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

---

July 5, 2023

CBCA 7674-DBT

In the Matter of THOMAS C.

Thomas C., Petitioner.

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

**CHADWICK**, Board Judge.

On February 10, 2023, the Board docketed petitioner's request for review of a notice of intent to initiate wage garnishment, dated January 9, 2023, issued by the Department of the Treasury on behalf of the General Services Administration (GSA). The Board conducted a combined written and oral hearing under 41 CFR 105-57.005(b) (2022). The Board heard testimony from petitioner on April 24, 2023, and closed the written record on May 31, 2023. As discussed below, the extension of the sixty-day deadline under 41 CFR 105-57.005(h) for a decision aided and did not prejudice petitioner, as the extra time allowed him to clarify his position and to submit additional information. We find that an enforceable debt exists, and petitioner did not show that collection would create undue hardship. We deny the petition.

Findings and Explanation

GSA has the initial "burden of establishing the existence and/or amount of the debt." 41 CFR 105-57.005(f)(1). GSA determined that petitioner is liable for repair costs arising from an automobile accident involving an agency vehicle. The record indicates that petitioner caused the accident in December 2018. The evidence for this finding consists of three witness statements to a police officer—including petitioner's own statement—and a record, submitted by petitioner, showing that he was cited for running a red light in the incident. This evidence shows that petitioner failed to stop and yield at an intersection at which the traffic light was inoperative and that the driver's side of his vehicle collided with

the front passenger side of the GSA vehicle, which had entered the intersection from petitioner's left. In his initial submission to the Board, petitioner wrote that there was a "finding of the Courts" in his favor and that he "was the one who was hit in the accident." These statements lack support. The court dismissed the traffic charge because the police officer did not appear; there was no "finding." Petitioner testified in the Board hearing that all three witness statements were untrue and that he made his statement out of fear. We do not find that this uncorroborated, recent testimony outweighs the evidence created at the time of the accident. We find that petitioner owes GSA the costs resulting from the accident.

GSA first wrote to petitioner about the debt in March 2019. To show the current amount of the debt, GSA submitted a repair invoice and an internal accounting of collections to date. This evidence shows an initial principal amount of \$4873.55, of which \$2914.95 has been paid through Treasury Department collections, leaving a balance owed to GSA of \$1958.60, with substantial interest, fees, and penalties owed by petitioner to the Treasury Department under 31 U.S.C. § 3717 (2018). Petitioner presents no "evidence . . . that the amount of the debt" totaling \$4047.91 with interest, fees, and penalties "is incorrect." 41 CFR 105-57.005(f)(2).

On the standard form by which petitioner requested a hearing in January 2023, he checked the box for "I do not owe the debt" and not the box for "Proposed garnishment would cause financial hardship." Petitioner first suggested on March 27, 2023, that he is "not financially stable and can't afford" to pay the debt. The Board afforded petitioner two months thereafter to support a "financial hardship" defense under 41 CFR 105-57.005(f)(2).

After the April 24 live hearing, GSA, by agreement, sent petitioner a financial hardship form to complete and submit. Petitioner did not provide all of the information GSA needed and does not prove undue hardship by the weight of the evidence. As the agency told petitioner, the relevant evidence would include his latest tax return and some evidence of housing and utility costs, which petitioner did not provide. Petitioner submitted past tax returns and pay statements from his current job, which he states he started in February 2023, but he did not provide evidence of his current income from all sources or his ongoing expenses. Without such information, we cannot tell how great a hardship it would create to garnish petitioner's wages at the intended rate of garnishment.

Petitioner told the Board that he had difficulty providing documents and information because he has spent time in prison. We note that the accident reports show that as long ago as December 2018, petitioner leased and drove a four-door sedan, which was insured by the leasing company. This indicates that, for more than four-and-a-half years, at the least, petitioner has been able to enter into continuing financial transactions of substantial value and to obtain a driver's license. Petitioner is also employed and has filed personal tax returns or caused them to be filed. Under these circumstances, we cannot give any weight to

petitioner's position that his past imprisonment meaningfully hampered his ability to respond to requests for information in this matter.

Decision

We deny the petition.

*Kyle Chadwick*  
KYLE CHADWICK  
Board Judge