



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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June 13, 2023

CBCA 7657-DBT

In the Matter of CAYLA C.

Cayla C., Petitioner.

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

**ZISCHKAU**, Board Judge.

On February 2, 2023, the Board docketed petitioner's request for review of a notice of debt collection by wage garnishment, dated August 3, 2022, that was issued by the General Services Administration (GSA). GSA filed a statement providing a chronology of the events relating to an automobile accident involving petitioner and a government vehicle, GSA's subsequent efforts to collect from petitioner damages to the government vehicle caused by the accident, and the eventual wage garnishment instituted by the Government to collect the debt assessed against petitioner. GSA's statement is supported by exhibits. Based on the evidentiary record, the Board concludes that a legally enforceable debt exists.

Background

GSA determined that petitioner is liable for the payment of a debt arising from an automobile accident involving an agency vehicle. The record indicates that petitioner caused the accident. Petitioner has not introduced any evidence challenging her responsibility for the accident.

GSA has shown from the evidence in the record that the damages to the government vehicle totaled \$1485.20. The record further indicates that GSA notified petitioner of the damages and demanded that she pay for those damages. After petitioner failed to make any payments, the agency instituted an administrative wage garnishment to withhold \$30.15 per

pay period. The debt accrued statutory fees and interest, totaling \$682.61, so that the total debt was \$2167.81. Wage garnishments from petitioner during the period October 12, 2022, through December 6, 2022, and an offset of petitioner's 2020 tax refund totaled \$1890.40, leaving a balance of \$306.56 as of the date of GSA's statement filing.

Although petitioner initially requested a hearing to dispute GSA's administrative wage garnishment, claiming that she is not obligated on the debt, she has neither appeared at scheduled conferences nor substantively responded to GSA's filings despite the Board giving her an opportunity to do so.

### Discussion

If GSA "determines a delinquent debt is owed by an individual, [it] may initiate administrative proceedings to garnish the wages of the delinquent debtor." 41 CFR 105-57.003 (2022). As petitioner did here, a debtor may "request a hearing . . . concerning the existence and/or the amount of the debt." *Id.* 105-57.004(b)(3). "[W]hensoever GSA is required to afford a debtor a hearing, the hearing official will provide the debtor with a reasonable opportunity for an oral hearing when he/she determines that the issues in dispute cannot be resolved by review of the documentary evidence, for example, when the validity of the claim turns on the issue of credibility or veracity." *Id.* 105-57.005(b)(1). GSA has the initial "burden of establishing the existence and/or amount of the debt." *Id.* 105-57.005(f)(1). "Thereafter, if the debtor disputes the existence and/or amount of the debt, the debtor must prove by a preponderance of the evidence that no debt exists or that the amount of the debt is incorrect." *Id.* 105-57.005(f)(2).

We find that GSA has produced sufficient evidence to meet its burden of proof regarding petitioner's liability for the damages caused by the accident and petitioner's ensuing debt owed to GSA for those damages. The record shows the amount of the debt, as well as interest, penalties, and administrative costs which increased petitioner's debt, and the amount of the debt remaining to be paid after prior garnishment of petitioner's wages.

Accordingly, we conclude that a legally enforceable debt exists in this matter.

Jonathan D. Zischkau  
JONATHAN D. ZISCHKAU  
Board Judge