



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 6, 2025

CBCA 8257-DBT

In the Matter of NOBERTO G.

Noberto G., Petitioner.

Kimberly I. Thayer, Office of General Counsel, National Tort Claims Center, General Services Administration, Kansas City, MO, appearing for General Services Administration.

KANG, Board Judge.

Petitioner requested a hearing to dispute the collection, through administrative wage garnishment, of a debt that the General Services Administration (GSA) asserts he owes in connection with an automobile accident involving a government vehicle. We find that the petitioner is liable for the debt and therefore deny the petition.

Background

The facts of the accident are not in dispute. On March 30, 2023, petitioner's vehicle struck a government vehicle in Houston, Texas. The police report states that petitioner was at fault for the accident because he ran a red light.

On May 30, 2023, GSA sent a letter to petitioner, with a copy to his insurer, demanding payment in the amount of \$6917.85. The letter included the invoice for repair of the government vehicle and the police report for the accident. The letter stated that failure of petitioner or his insurer to pay would result in the imposition of interest and penalties and could also result in the imposition of administrative fees.

The insurer advised petitioner and GSA that it would not pay the full amount of GSA's demand. GSA attempted to negotiate with the insurer over various line items but was not successful. The insurer ultimately paid the government \$4030.80. Because a balance

remained unpaid as of December 2023, GSA referred the matter to the Department of Treasury for collection. A notice of wage garnishment was issued by the Department of Treasury in October 2024. The remaining balance as of the date of GSA's filing in response to the petition is \$3782.91, which includes interest, penalties, and administrative fees, less amounts paid by petitioner.

Discussion

GSA's wage garnishment regulations provide the "standards and procedures for GSA to collect money from a debtor's disposable pay by means of administrative wage garnishment to satisfy delinquent non-tax debt owed to the United States." 41 CFR 105-57.001(a) (2024). As permitted by the regulations, the debtor requested "a hearing in accordance with 41 CFR 105-57.005 . . . concerning the existence and/or amount of the debt." *Id.* 105-57.004 (b)(3). GSA has the initial burden of establishing the existence and amount of the asserted debt. *Id.* 105-57.005(f)(1). Once GSA meets its initial burden, the petitioner must establish "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). The petitioner may also "present evidence that the terms of the repayment schedule are unlawful, would cause a financial hardship to the debtor, or that collection of the debt may not be pursued due to operation of law." *Id.*

In response to the petition, GSA provided documents and an explanation demonstrating the existence and amount of the debt. These documents included the police accident report, GSA's documentation of the accident, the repair invoice, GSA's correspondence with petitioner and his insurer, and an updated calculation of the amount owed. GSA has satisfied its initial burden to establish the existence and amount of the debt.

The petitioner filed documents with the Board showing that his insurer paid less than the full debt amount. Although the Board asked whether petitioner wished to provide further evidence through a virtual hearing or a written response, he did not respond. We assume petitioner intends through the filing of the insurance documents to argue that he should not be held responsible for the difference between the debt and his insurer's payment. The debt, however, is assessed to the petitioner – not to his insurer. Thus, any portion of the debt not paid by the insurer is the responsibility of petitioner.

Apart from submission of the insurance information, petitioner does not dispute that the debt exists or allege that the amount owed is incorrect. On this record, we conclude that the debt is valid.

Decision

The petition is denied. Petitioner is liable for the debt in the amount of \$3782.91, plus any accrued interest and fees, less any payments.

Jonathan L. Kang
JONATHAN L. KANG
Board Judge