U.S. Department
of Transportation
**Federal Aviation
Administration**

Enterprise Services Center
6500 S. MacArthur Blvd.
Oklahoma City, OK 73169

May 26, 2010

[redacted]

Ex. 6

Subject: FedDebt Case No [redacted] Balance: $1,011.26

Dear Mr. [redacted],

GARNISHMENT HEARING DECISION:

This letter presents the findings and conclusions reached after the recent written records hearing that you requested regarding your objection of the collection of an administrative debt through wage garnishment held by the U.S. Department of Transportation (DOT). This decision is rendered pursuant to 49 CFR Part 89, after careful review of your arguments and the accessible and available material records relevant to your account, including any relevant documents that you submitted and those held by DOT.

In your Hearing Request, you stated that the debt or debts described in the notice were not owed and enforceable in the amount stated. DOT's determination regarding your objection is stated in the Discharge Decision enclosed with this decision.

This decision addresses only the following objections: "Amount of the debt – I do not owe the debt." That is, the decision addresses the validity and amount of your debt, e.g. whether it is owed and enforceable in the amount stated, notwithstanding the reasons presented in your Hearing Request.

SUMMARY OF PROCEDURES TO DATE:

The additional information you submitted was received, reviewed, and considered in this review.

EVIDENCE CONSIDERED:

Records from DOT's computer database:

FedDebt: AWG Processing – Overdue hearings

FedDebt: AWG Processing – Financial Processing dated May 26, 2011
FedDebt: View Case dated November 19, 2010
FedDebt: BDMOC Processing dated November 9, 2010

File documents held by DOT:

Record of Leave Data, In lieu of SF-1150, dated January 17, 2006
Letter of indebtedness to the FAA, dated August 23, 2006
FPPS – View Annual Leave – November 16, 2010
Reissued Leave and Earnings Statement, PP 2005-23
Reissued Leave and Earnings Statement, PP 2005-24
Reissued Leave and Earnings Statement, PP 2005-25
Reissued Leave and Earnings Statement, PP 2005-26
Treasury Cross-Servicing Dispute Resolution dated August 24, 2007
Human Resource Policy Manual LWS 8.3
Letter from debtor dated July 18, 2007

ANALYSIS AND DETERMINATION REGARDING OBJECTIONS TO GARNISHMENT

Applicable law:

Federal agencies must follow the procedures outlined by the Department of Treasury when collecting money from a debtor's disposable pay by means of administrative wage garnishment to satisfy delinquent nontax debt owed to the United States. (31 CFR 285.11(a)). As permitted, the Department of Transportation has adopted, by reference, the Department of Treasury's regulations regarding administrative wage garnishment procedures. (49 CFR 89.35). As a general rule, whenever an agency determines that a delinquent debt is owed by an individual, the agency may initiate proceedings administratively to garnish the wages of the delinquent debtor. (31 CFR 285.11(g)).

Determination on the validity and enforceability of the debt:

You objected to the debt or debts described in the notice on the basis that they were not owed and enforceable in the amount stated. You argued in your submission that you do not owe the debt.

According to the administrative record, you owe money associated with advanced annual leave hours you received resulting in a negative balance at the time of resignation.

Based on our review of the record, we conclude that the debt or debts listed in the notice are past due and are valid and enforceable in the amount stated in the notice and in the below Conclusion.

CONCLUSION

DOT has determined that the debt or debts described in the notice are enforceable, in the amount of $697.79 in principal and $1,011.26 in debt service fees, administrative costs, penalty and accrued interest, by garnishment at the rate of 15 % of your disposable pay per pay period.

CONSEQUENCES OF THE DECISION

Based on these findings, DOT will order your employer to withhold from your wages 15% of your disposable pay per pay period until the debt determined in the Conclusion is paid in full.

RECONSIDERATION

You may request to have this decision reconsidered based upon the objection(s) you raised here as to the existence, amount, or enforceability of this claim. To obtain reconsideration, you must submit evidence that you did not previously submit that persuades us that we should reconsider our initial decision. We will notify you if we decide to reconsider such decision.

You may also request reconsideration of this decision due to financial hardship. To request either consideration or reconsideration on grounds of financial hardship, you must submit evidence with your request that demonstrates that your financial situation has materially changed since we issued our decision, justifying a reduction in the amount issued under the order. To support a request for reconsideration due to financial hardship, you may request a Financial Disclosure Statement from our customer service representative at: (405) 954-4719 or by mail at AMZ-350, PO Box 25770, Oklahoma City, OK, 73125.

Legal Protection From Employer Adverse Action:

Your employer may not discharge you from employment nor take disciplinary action against you as a result of an Order for Withholding, nor can a prospective employer refuse to employ you as a result of this action or existence of and Order for Withholding.

Limitation Of Scope of Decision:

This determination affects only the debt described in the notice of garnishment, and is separate from any notice of proposed Federal payment offset or garnishment you may

have received from a Guarantee Agency. If you received a notice of collection action from a Guarantee Agency, you must present any objections to collection action to that agency.

Sincerely,

Melissa Hughes, Hearing Official
Enterprise Services Center, DOT

Enclosures:
Copy of Hearing Request
Copy of Evidence Considered