



Office of Appeals  
U.S. Department of Housing and Urban Development  
Washington, D.C. 20410-0001

In the Matter of:

**Margaret Meier,**

Petitioner

HUDOA No. 11-H-CH-AWG121  
Claim No. 721005321

**RULING ON MOTION TO REOPEN**

On May 29, 2009, this Court issued a Decision and Order in which it was determined that the debt claimed by the Secretary of the U.S. Department of Housing and Urban Development as owing against Petitioner was past due and legally enforceable. *In re: Margaret Meier*, HUDOA No. 09-H-CH-AWG62 (May 29, 2009) (“Initial Decision”). This Initial Decision held that Petitioner had not been released from her obligation to repay the debt, that the debt was not repaid from the proceeds from the sale of her home, and that a garnishment of 15% of Petitioner’s wages would not create a substantial financial hardship for her. As a result, the Initial Decision authorized the Secretary to garnish 15% of Petitioner’s disposable wages. *Id.* at 5.

On July 26, 2011, Petitioner filed the same Hearing Request as previously submitted in 2009, but this time Petitioner offered a lump sum “compromise settlement” of \$5,000 and stated that the garnishment had “caused a huge hardship on me to get my bills paid.” (Petitioner’s Hearing Request (“Pet’r’s Hr’g Req.”), p. 2., filed July 26, 2011.)

A Hearing Request is a document used to initiate a hearing regarding a contested debt. It is normally filed after receiving a Notice of Intent to Initiate Wage Garnishment Proceedings (“Garnishment Notice”) from the Government. *See* 31 C.F.R. § 285.11(e), (f). In this case, the Garnishment Notice was mailed to Petitioner on January 9, 2009, and she filed a request for a hearing on February 23, 2009. This Court issued, thereafter, a Decision and Order on May 29, 2009. Petitioner’s re-submission of the 2009 Hearing Request will not be treated as initiating a request for a hearing in a garnishment proceeding because it is more appropriately considered a Motion to Reopen based on financial hardship, a motion that, according to 31 C.F.R. § 285.11(k)(1), may be raised at any time. As a result, the Request for Hearing filed on July 26, 2011 in this proceeding that is the same Hearing Request that was filed to initiate Petitioner’s previous proceeding is deemed a Motion to Reopen.

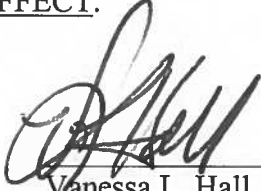
31 C.F.R. § 285.119k(1) provides that a debtor “whose wages are subject to a wage withholding order ... may, at any time, request a review by the agency of the amount garnished, based on materially changed circumstances such as disability, divorce, or catastrophic illness

which result in financial hardship.” Such a claim must include the basis for the motion, and be supported by documentary evidence. See 31. C.F.R. § 285.11(k)(2).

Here, Petitioner has neither asserted materially changed circumstances, nor provided new evidence sufficient enough to reflect a *material change* in her circumstances since the issuance of the Initial Decision. The limited evidence submitted with Petitioner’s hearing request was not persuasive to the Court to establish that Petitioner’s circumstances had materially changed. Petitioner was ordered on three occasions to produce the necessary documentary evidence in support of her claim. (emphasis added.) (Notice of Docketing, Order and Stay of Referral (“Notice of Docketing”), 2, issued August 4, 2011; Order, dated October 4, 2011; Order to Show Cause, dated November 18, 2011.) To date, Petitioner has failed to comply with any of the Orders issued by this Court.

Because Petitioner has failed to produce evidence of materially changed circumstances to support her financial hardship claim, Petitioner’s Motion to Reopen is hereby **DENIED**. Accordingly, it is hereby

**ORDERED** that the wage garnishment order authorized by the Initial Decision shall not be modified and shall remain IN FULL FORCE AND EFFECT.

  
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Vanessa L. Hall  
Administrative Judge

January 30, 2012