

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
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GREGORY DENNIS YOUNG
Petitioner,

v.

DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL
CHILD SUPPORT SERVICES DIVISION
Respondent.

Case No.: 2010-OAG-00011

FINAL ORDER

This Final Order summarily dismisses Petitioner's request for hearing and appeal of the Child Support Services Division's (CSSD) Administrative Judgment of Condemnation for the reasons explained at the July 12, 2010 hearing and as discussed below.

On June 7, 2010, Petitioner, Gregory Dennis Young, requested a hearing to appeal an Order of Condemnation issued by the Office of the Attorney General for the District of Columbia, Child Support Services Division (CSSD). Under the Order of Condemnation, CSSD seized \$2,122.49 from Mr. Young's bank account. In his request for hearing, Mr. Young stated that he needs the seized money for living expenses as he is now unemployed. On June 14, 2010, this administrative court issued a Hearing Notice and Order, which scheduled a hearing for July 12, 2010.

On July 12, 2010, the hearing proceeded as scheduled. Petitioner appeared and represented himself. Adrienne Day, Section Chief of the Operations Section for CSSD, appeared on behalf of CSSD.

At the onset of the hearing, CSSD, through Ms. Day, requested that the case be dismissed based on Petitioner's failure to state a claim upon which relief can be granted. In support of its request, CSSD asserted that Petitioner failed to state any grounds that are allowable challenges to an order of condemnation. Petitioner argued that he needs the funds that CSSD seized to pay for necessary living expenses, such as food and housing, as he is unemployed currently.

CSSD has authority to enforce child support orders by attaching and seizing assets owned by obligors and held in financial institutions without obtaining a court order. D.C. Official Code § 46-226.03. CSSD is responsible for implementing this enforcement authority. 81 DCMR 8101.2. It may seize funds in financial institutions when, among other things, the case is an arrears-only case, as here, and the total amount of arrears is greater than or equal to five hundred dollars (\$500). 81 DCMR 8103.1.

After CSSD issues an Order of Condemnation a party whose funds have been seized may ask for a hearing at the Office of Administrative Hearings (OAH) to review CSSD's action. 29 DCMR 8103.9, 8104. Grounds for contesting the Order of Condemnation include the following:

- (a) Notice was issued to the wrong person;
- (b) Arrears are incorrect because of a failure to account for all child support payments, an incorrect computation of the balance due, or a failure to give effect to a prior suspension or modification of the support obligation; or
- (c) Any affirmative defense to enforcement of this money judgment authorized by applicable law, but nothing in these rules authorizes any modification of the support order or any underlying money judgment.

29 DCMR 8103.5 and 8104.1.

Petitioner has failed to assert any grounds that are allowed to contest CSSD's Order of Condemnation. He has not asserted that notice was issued to the wrong person, that the arrears are incorrect, or any affirmative defense to enforcement of the money judgment. Rather, Mr. Young has argued that he needs the funds seized by CSSD to pay his living expenses. As explained to Mr. Young at the hearing in this case, the OAH does not have authority to reduce or suspend his child support obligation based on his unemployment. If he wishes to seek a reduction or suspension of that obligation or payment on it, he must do so through Superior Court.

Because Mr. Young has failed to assert any grounds that are allowed to defend an order of condemnation at the OAH, his appeal of the Order of Condemnation will be dismissed.

Accordingly, it is this 13th day of July, 2010:

ORDERED, that CSSD's oral motion to dismiss is hereby **GRANTED** and Mr. Young's request for hearing and appeal of the Administrative Order of Condemnation is hereby **DISMISSED**; and it is further

ORDERED, that the appeal rights of any party aggrieved by this Order are stated below.

Dated: July 13, 2010

_____/s/_____
Elizabeth Figueroa
Administrative Law Judge

