

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

CURTIS PRYOR.,
Petitioner,

v.

DEPARTMENT OF HUMAN
SERVICES, DIVISION OF CHILD
SUPPORT SERVICES,
Respondent.

:
: Docket No(s):
: OSAH-CSS-LIEN-1424847-25-Teate
: OSAH-CSS-LIEN-1424848-25-Teate
:
: Agency Reference No(s): 940003002 and
: 490003125
:
:

INITIAL DECISION

I. Introduction

In response to Respondent's action to collect child support arrears for two child support cases through a lien on Petitioner's bonus pay, Petitioner requested a hearing. The two cases were consolidated for a hearing that was held on February 6, 2014. Petitioner represented himself and Sherry Ravolis, a child support enforcement agent, represented Respondent. For the reasons indicated, Respondent's action is **AFFIRMED**.

II. Findings of Fact

1. Per the terms of two judicial orders, Petitioner is the obligor of child support on two cases enforced by Respondent. Per the terms of Paragraph 11 in each of the orders, Petitioner is expressly notified that Respondent is free to exercise various administrative remedies independent of the Court including but not limited to the seizure of financial assets from various sources as long as Petitioner owes outstanding arrears for child support. (Respondent Exhibits 1 and 4).
2. Inasmuch as Respondent is aware that Petitioner's employer awards bonuses to its employees each year, Respondent routinely issues notices of liens for child support obligors employed at Petitioner's place of business prior to the disbursement of such bonuses. At the time of the notice of lien to Petitioner's employer for Petitioner's cases, his child support arrears totaled approximately \$47,148.96. (Testimony of Sherry Ravolis; Respondent Exhibits 2, 3, 5 and 6).
3. In response to the lien, Petitioner's employer remitted \$8,278.00 to Respondent. The remittance represented 50% of Petitioner's bonus after deduction of Federal and State income taxes and FICA. The 50% to which Petitioner was entitled was further reduced by his union dues, a personal obligation. (Testimony of Sherry Ravolis; Respondent Exhibits 2, 3, 5 and 6).
4. Petitioner opines that it constitutes a hardship for him to forego such a large percentage of his bonus and that he repays his child support obligation sufficiently through income deduction order. (Testimony of Petitioner).

III. Conclusions of Law

1. Notwithstanding other modes of collection such as an income deduction order, Respondent is authorized to collect child support arrears through liens on employment bonuses and other

property of an obligor as long as an obligor owes child support arrears. O.C.G.A. § 19-11-18 (a). The arrearage due is clearly established by court order and agency payment records.

2. Where an obligor is supporting a dependent child, 50% of such individual's disposable earnings may be deducted for child support arrears. 15 USCS § 1673 (b) (1) (A) and b) (2) (A). Disposable earnings denote "that part of the earnings of an individual remaining after the deduction from those earnings of the amounts otherwise required by law to be withheld plus any premium for group accident and health insurance offered by the employer, if any." O.C.G.A. § 19-11-19 (a) (1). In the absence of a deduction for a premium for group accident and health insurance, disposable earnings equal the bonus amount less income taxes and FICA. Petitioner's union dues do not constitute a deduction recognized in determining disposable income. Respondent correctly received 50% of disposable income for the bonus that was issued. Respondent then prorated the amount received between Petitioner's two child support obligations that Respondent enforces. There are no statutory provisions for hardship even if Petitioner's allegation to that effect was supported by the record.

3. Respondent has met its burden of proof in a matter seeking enforcement of a lien. Ga. Comp. R. & Regs., 616-1-2-.07. Petitioner has offered no relevant evidence to rebut Respondent's position.

IV. Decision

Respondent's lien on Petitioner's bonus is **AFFIRMED**.

SO ORDERED, this 14th day of February 2014.



Steven W. Teate
Administrative Law Judge

