

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. HEA 4116-15

**NEW JERSEY HIGHER EDUCATION
STUDENT ASSISTANCE AUTHORITY,**

Petitioner,

v.

MARCO RODRIGUEZ,

Respondent.

Norina Melita, Esq., for petitioner (Solomon and Solomon, attorneys)

Marco Rodriguez, respondent, pro se

Record Closed: June 16, 2015

Decided: August 7, 2015

BEFORE **TIFFANY M. WILLIAMS**, ALJ

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner New Jersey Higher Education Student Assistance Authority (NJHESAA) seeks to obtain an administrative wage garnishment against respondent Marco Rodriguez as a result of his failure to repay a loan guaranteed by the NJHESAA. Respondent requested a telephone hearing in response to NJHESAA. The NJHESAA transmitted the matter to the Office of Administrative Law (OAL), where it was filed on March 23, 2015. By notice dated March 31, 2015, I informed respondent and counsel for the NJHESAA that the telephone hearing was scheduled for June 9, 2015, at 10:00 a.m. and requested the parties "to confirm the telephone number we are to use for the

hearing.” Counsel for the NJHESAA and its witness were available on June 9, 2015, for the scheduled telephone hearing. However, respondent could not be reached at the telephone number listed on our service list (201-618-4328). By letter dated June 9, 2015, I afforded respondent one week to contact my chambers to provide an explanation for his failure to appear. No response was received from respondent or a representative on respondent’s behalf by June 16, 2015, at which time the record closed.

Based on the foregoing facts and the applicable law, I **CONCLUDE** that Marco Rodriguez has abandoned this matter. N.J.A.C. 1:1-14.4(a) provides that, if, after appropriate notice, a party does not appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the nonappearance within one day, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition. Marco Rodriguez failed to appear at the scheduled proceeding, and he failed to provide an explanation one day following his nonappearance.

The NJHESAA has the burden of proving the existence and the amount of the debt owed. This burden is met by including in the record, and making available to the debtor on request, records showing the debt exist in the amount stated in the garnishment notice and the debt is currently delinquent. Accordingly, I **CONCLUDE** that the NJHESAA has met its burden of proving the existence of the debt and the amount of the debt owed. I further **CONCLUDE** that, pursuant to the applicable statutory and regulatory provisions, an administrative wage garnishment is appropriate.

ORDER

It is **ORDERED** that the hearing request filed by Marco Rodriguez be **DISMISSED**. I **ORDER** that an administrative wage garnishment against Marco Rodriguez shall be issued immediately directing the employer of Marco Rodriguez to deduct from his wages an amount equal to fifteen percent (15%) of his disposable pay

and to remit that amount to the New Jersey Higher Education Student Assistance Authority until such time as respondent's student loans have been repaid.

This decision is final pursuant to 34 C.F.R. § 682.410(b)(9)(i)(N) (2010).

August 7, 2015
DATE

TIFFANY M. WILLIAMS, ALJ

Date Received at Agency

Date Mailed to Parties:

rr/jb