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What to Do If You Receive a Wage Garnishment Notice, Part 2

Before the hearing, you must also submit the Financial Disclosure Statement or another financial disclosure form of your choosing that details your income, expenses, and so forth.

If you want to make your case face-to-face, unfortunately you have to pay your own way to go to one of three offices in Atlanta, Georgia, Chicago, Illinois, or San Francisco, California. Most of you obviously won't do that—unless you just happen to live in one of those areas and for some reason feel you can more passionately argue the merits of your case in public as opposed to over the telephone or in writing. For a telephone hearing, provide the department with your phone number and let them know, using the Request for Hearing form, what time you are available Monday through Friday between 8 am and 4 pm. They'll contact you to set up the hearing.

If you don't specifically ask for an in-person or telephone hearing, it's automatically assumed that you want an evaluation of your case based on the written evidence and documentation you supply.

The department will use the standards method in the hearing process to evaluate your claim of financial hardship. After the hearing, the department will notify you of its decision. One of three things can happen at this point:

- The wage garnishment can stand as is. If you've done your homework, and aren't wasting their time and yours, this should be a highly unlikely outcome.
- The hearing officer could reduce the amount of your wage garnishment. Under the law, this person has the power to order a lesser withholding amount, one that he or she deems appropriate based on a review of your case.
- The hearing officer could decide to halt garnishment activity altogether, ruling that it would, in fact, create an undue hardship for you and your family.

Before you jump for joy at this last prospect, remember: the suspension of enforcement activity doesn't preclude the Department of Education from later demanding payment if and when your economic circumstances change. Interestingly, however, if you should experience a chronic financial crisis—and I'm talking year after year after year of being broke—it is possible that the Department of Education could cease collection activity against you. Under what circumstances, you ask, could this happen? The answer is: only in the extremely rare case in which the Department determines, after constant review, that the cost of hunting you down and trying to get you to repay either isn't worth the cost or doesn't serve the public's interest. This is obviously a highly rare event—so don't count on it!