

FEDERAL TAX REFUND OFFSET PROGRAM
ERIE COUNTY DOMESTIC RELATIONS
CHILD SUPPORT
OFFSET DIVISION
ERIE COUNTY COURT HOUSE
ERIE PA 16501

CONTACT:
ERIE COUNTY DOMESTIC RELATIONS
CHILD SUPPORT
OFFSET DIVISION
ERIE COUNTY COURT HOUSE
ERIE PA 16501
PHONE : (814) 451-6147

(A)

OCTOBER 15, 1990

MR AND/OR MS PAUL SEELINGER
3117 LOVELAND AVE
ERIE PA 16506

THE AGENCY IDENTIFIED ABOVE HAS DETERMINED THAT YOU OWE PAST-DUE CHILD AND/OR SPOUSAL SUPPORT. OUR RECORDS SHOW THAT YOU OWE AT LEAST THE AMOUNT SHOWN BELOW, AND THIS AMOUNT WILL BE REFERRED TO THE INTERNAL REVENUE SERVICE(IRS) FOR COLLECTION. ANY FEDERAL INCOME TAX REFUND TO WHICH YOU MAY BE ENTITLED MAY BE RETAINED IN FULL OR PARTIAL SATISFACTION OF THIS OBLIGATION.

THE AMOUNT OF THIS PAST-DUE SUPPORT OBLIGATION MAY BE REPORTED TO THE CREDIT BUREAU.

YOU HAVE A RIGHT TO CONTEST OUR DETERMINATION THAT THIS AMOUNT OF PAST-DUE SUPPORT IS OWED. YOU MAY REQUEST AN ADMINISTRATIVE REVIEW BY CONTACTING US NO LATER THAN NOVEMBER 30, 1990 AT THE ADDRESS OR PHONE NUMBER LISTED ABOVE. IF YOUR SUPPORT ORDER WAS NOT ISSUED IN OUR STATE, WE CAN CONDUCT THE REVIEW; OR, IF YOU WOULD PREFER THAT AN ADMINISTRATIVE REVIEW BE CONDUCTED IN THE STATE WHICH ISSUED THE ORDER, WE WILL CONTACT THAT STATE WITHIN 10 DAYS AFTER WE RECEIVE YOUR REQUEST. YOU WILL BE NOTIFIED OF THE TIME AND PLACE OF YOUR ADMINISTRATIVE REVIEW BY THE STATE WHICH ISSUED THE ORDER. ALL REQUESTS FOR ADMINISTRATIVE REVIEW MUST BE MADE BY CONTACTING THE AGENCY IDENTIFIED ABOVE.

IF YOU ARE MARRIED, FILING A JOINT INCOME TAX RETURN, AND YOU INCURRED THIS DEBT SEPARATELY FROM YOUR SPOUSE, WHO HAS NO LEGAL RESPONSIBILITY FOR THE DEBT AND WHO HAS INCOME AND WITHHOLDING AND/OR ESTIMATED TAX PAYMENTS, HE OR SHE MAY BE ENTITLED TO RECEIVE HIS OR HER PORTION OF THE JOINT REFUND.

IF YOUR SPOUSE MEETS THE CRITERIA STATED ABOVE, HE OR SHE MAY RECEIVE HIS OR HER PORTION OF THE JOINT REFUND BY FILING A FORM 8379, INJURED SPOUSE ALLOCATION, AND FORM 1040X, AMENDED FEDERAL INCOME TAX RETURN. THESE FORMS SHOULD BE ATTACHED TO THE TOP OF THE FORM 1040 OR 1040A WHEN YOU FILE. YOUR SPOUSE SHOULD WRITE "INJURED SPOUSE" AT THE TOP OF THE FORM 1040X.

SSN	CASE NUMBER	LOCAL ID	PAST DUE AMOUNT CLAIMED
210-40-6717	NS 891242	049	\$712 (NON-AFDC)

43339

My Copies

Case NS891242

Mr. Dave Christiansen
Deputy Director
Office of Domestic Relations
Erie County Court House
Room G1 - Ground Floor
Erie, Pa. 16501

November 3, 1990

Dear Mr. Christiansen:

Please accept my thanks for your time on the telephone yesterday to discuss my receiving a notice that a past due child support amount was going to be reported to the IRS for possible offset of my refund. As you can see from the attached letter to the Offset Division of your offices, I still do not feel this has been adequately rectified. (Please take a minute before going on to read the letter and examine the attachments.) Verbal explanation is fine, until you find yourself in an IRS hearing several months down the road.

As we discussed, this is only one more episode in my continuing saga of displeasures with the way my account has been handled and the past one and one-half years by the support collections system. Your invitation to write a letter with my comments and suggestions may have been a mistake - I'm not known for brevity! On the other hand, the problems I've encountered and my subsequent thoughts are not easily presented in a few sentences. Please bear with me, as, in order to appreciate that my eventual suggestions are sound and not mere complaining, you must know a little of what I have been through. So, here goes...

In May of 1989, I appeared before Mrs. Mary DeMarco along with my ex-wife (separated at the time) for a support hearing. I asked Mrs. DeMarco to calculate what I should pay for the children and I would pay it. (I did contest spousal support. This was later resolved in court.) I then asked Mrs. DeMarco what was the fastest way to get the support from me to my children. She suggested voluntary wage attachment (it wasn't required by law then as it is now). I agreed, and she took me to see Mr. Adolph Rigazzi. I signed all the papers and gave Mr. Rigazzi a check to bring me immediately up to date. For the next couple of paydays, I presented a check to the support office, and eventually the wage attachment took effect. Even after the spousal support issue was resolved, all payments were kept up to date and at no time was I ever delinquent.

In July of 1990, following my June 12th divorce, I phoned the support office to inquire about removing spousal support from my order. I explained that the settlement agreement which my wife and I both signed in the presence of our attorneys and the Master attorney was now a court order as part of the divorce order, and

that this agreement stated there would be no spousal support or alimony. At first I was told that this was no problem and all I needed to do was present a copy of the divorce order and the support amount would be reduced accordingly. The handling of this was important, since I did not want to reopen the child support issue. (Under the new law, a recipient can request reevaluation of the support amount "if something changes", but not just because new laws exist. I didn't feel it would be fair for the agreed-upon dropping of spousal support payments to be viewed as a "change" of circumstances, especially since the spousal support order was a completely separate order.) Later, I was informed by Mrs. DeMarco after some research on her part, that my actions to drop spousal support would reopen the child support issue. I protested the unfairness of this decision. After several phone calls to Mrs. DeMarco, she eventually informed me that the spousal support could be modified without involving the child support order.

At this point, Mrs. DeMarco told me that my ex-wife would have to sign a paper saying that she agreed with dropping the spousal support. Again, I was surprised and questioned why, having already presented Mrs. DeMarco with a written copy of our court ordered settlement agreement, my ex-wife had to again agree to this. Mrs. DeMarco explained that there was still a support court order that was in effect and that the divorce/settlement order, although signed by a judge into law, was not adequate to "update" the current support order. To me, this was absurd. However, my ex-wife had decided not to further contest the child support matter, so I agreed to sign the necessary papers and asked her to do the same.

On August 1st, upon arriving at the support office, I was presented with a revised order to sign. Mrs. DeMarco nicely explained (as she always does) that the new amount would be the amount I expected PLUS about \$100 per month for arrearages! She stated that the record showed that I was, at the time, about \$1200 behind in payments. I knew this was grossly incorrect because all my payments were wage attached. I'm sure Mrs. DeMarco saw that I was ready to go through the ceiling, so she took me into her office to discuss the matter. She told me that the only thing she could do was follow the auditors report as the auditors were always right. I assured her that the auditors were wrong and demanded to see one of them immediately. She telephoned Mrs. Baker, who had audited my record, to request that she see me. Mrs. Baker was on vacation. I told Mrs. Demarco that I could not sign an incorrect court order and I would wait to see Mrs. Baker upon her return. She suggested I speak with Mrs. McHenry the auditors' supervisor, which I eventually did via phone with no positive results. Mrs. McHenry said she had to stick by the audit that was done.

I phoned Mrs. Baker the day she returned from vacation. She said she agreed to check my audit and told me later that week that she found it to be accurate. I asked to see her immediately, and also explained that, by this time, I had made several spousal support payments (overpayments) on paydays subsequent to the divorce date, so I wanted this cleared up right away. She was not able to see me until the following week. When I did meet with her, we went through my record in detail. I provided my own printouts of support records I keep, as well as pay stubs showing that my wages had been properly attached. Eventually, she explained that "no one was really ever caught up" on the computer system, because the auditors can only consider payments when they reach the support office, not when they are deducted by employers. It seemed clear to her that the delays at Saint Vincent, sometimes 2-3 weeks following withholding according to her records, were the main cause for my account being delinquent. It then became obvious to me that I was being asked to subsidize the delays caused by my employer. Mrs. Baker took me to see Mr. Rigazzi, I eventually ended up back with Mrs. Baker, and after two hours of persistence, felt I had accomplished nothing. Just before I left, Mrs. Baker seemed to have a new idea of some sort and told me she didn't understand why they didn't do things a little differently when requesting the audits to avoid this from happening, so she wanted to talk further with Mrs. DeMarco. Later, Mrs. DeMarco called me to say they had found a way to "back date" the audit so it would show that I was paid up and no arrearages would be reflected in the order. She went on to say she didn't know why the auditors didn't audit that way in the first place. Truthfully, I don't know what really happened, but I didn't ask any more questions. I did, however, initiate meetings with Saint Vincent Health Center to investigate the payment delays, and, after receiving little satisfaction from the Accounting Department, filed a formal protest with the Human Resources Department over the matter. (It appears that this has resulted in some improvement in payment from Saint Vincent, as the latest two payments were received by your office within six days of our payday. However, since this is earned income which would have normally been in my paycheck, and since it is for the support of my children, I still feel that this should be available to the support office on payday.)

Yesterday, I received the letter regarding the IRS offset. The enclosed letter to the Offset Division explains my feeling on this matter.

Based on the above experiences, I have a number of recommendations for you to consider:

1. We all agree the main intent of the system is to be fair. The support office staff must work for and be as fair to the payer as you are the recipients. I really don't care to hear excuses about how busy you are and how you "don't have time to treat each case individually". To the contrary, it seems that is exactly what is done when a case appears in front of a support counselor. That same individual scrutiny must also be applied by auditors, etc. subsequent to the initial hearing. In addition, I'm tired of hearing the excuse that the treatment I get is because "most men aren't like me and they try not to pay". This reeks of unfairness and injustice.

2. A person who can present appropriate records of payment (i.e. cancelled checks, payroll stubs showing wage attachment) to a counselor or an auditor must be given credit for such. Problems getting payments from employers should be addressed to the employer and are not the responsibility of the payer. It is my understanding (not that I agree with it at all) that employers have ten days by law to submit payment following withholding. Yet, your auditors calculate right to the day, resulting in every payer, now that wage attachment is mandatory and delays have been commonplace, being delinquent at all times. The "audit procedures" and the "computer" I hear so much about must be not in line with the law, and asking the payer to subsidize the resulting inefficiencies is unacceptable. Computers are tools used to make our work more accurate and efficient, not to provide excuses. They give you back what the programmers put in and nothing more. If the computer can't do the job, throw it out and get new software that can.

3. I still do not understand why, following the signing of a marital settlement agreement by both parties which subsequently becomes law when signed by a judge, your office cannot recognize this as an order which supercedes an earlier order of support. As it was explained to me, my ex-wife's signature to allow the change of order held more meaning that the settlement order signed by both her and the judge. Something is again both wrong and unfair.

4. The delays involved in all that I have gone through have resulted in my making several extra spousal support payments beyond the divorce date. Since the computer shows that I'm always behind (at least six days with Saint Vincent's recent improvement in payment), I cannot recover this overpayment. As your staff has explained to me, "someday" it will show up as an overage. As I see it, that will happen only after all of my child support orders are removed some 10-14 years from now. Fair?

5. With the system the way it is, I expect that any time in the future my ex-wife decides to file for an increase, I will have to go through the same thing again! The computer will show delays from my employer and I'll be subject to arrearages, fighting the same battle over again. Once explanations for variances are presented and accepted as I've recommended above, they must be made part of the payer's record so we don't have to repeat the process every time a reevaluation takes place.

6. The ten day grace period for employers is unacceptable to me. The money in question is earned income which would have been in my paycheck on payday. I would like to see it transferred to the support office by automatic bank transfer on payday so it gets to my children sooner. If my employer can direct deposit my check and deposit my credit union savings the same day I get paid, I feel this can also be done for support payments if the right parties want to do it. I will be requesting that Saint Vincent work with you to develop a model program such as this.

7. The procedure of running a report in August and then using the data to send out IRS offset notices two months later is ridiculous. This obviously means that many people who deserved notices didn't get them, and many who didn't are probably irate. Your comment that your offices have received 5,000 calls since the letter went out is not surprising. This situation speaks directly to the competence of the system without any opinion on my part. The obvious recommendation is to discontinue this program until you can do it accurately and fairly.

8. Finally, please get the auditors and the support counselors on the same page together. Two sets of interpretations obviously causes inconsistency. The frustration this causes for someone like myself is unnecessary.

Mr. Christiansen, although I know this information is mostly negative and critical of the program, it is accurate. I hope it helps to bring improvements. I have taken the liberty to copy several people who I feel should be aware and could be instrumental in assisting with such improvements. I remain anxious to help in any way I can.

Thank you for the opportunity to present these recommendations.

Sincerely,

Paul M. Seelinger
2115 Hampton Road
Erie, Pa. 16502

(Home) 454-0230
(Work) 452-5434

pc. Mrs. Mary P. DeMarco
Hearing Officer

Mr. Adolph Rigazzi
Enforcement Officer

Darrel C. Negri, Esq.

Mr. Richard Linse
Director of Human Resources
Saint Vincent Health Center

Mrs. Judy Lynch
County Executive

Judge Stephanie Domitrovich
Court of Common Pleas
Family Court

Federal Tax Refund Offset Program
Eire County Domestic Relations
Child Support
Offset Division
Erie County Court House
Erie, Pa. 16501

November 3, 1990

To Whom It May Concern:

On November 2, 1990, I received the enclosed letter from your office (attachment A) informing me that I was past due \$712 in child support payments and that this was going to be reported to the IRS for possible retainment of my tax refund. The letter was grossly in error, since my support payments have been wage attached (initially voluntary) and faithfully made since support was first ordered in May, 1989. I immediately called your office and spoke with a woman who checked the computer and agreed that I was right. She explained that, although the notification was dated October 15, 1990, the computer run was done back in August, and, at that time, my employer was probably slow in remitting payment of withheld wages. She told me "not to worry about this, since records were updated again in November and this would automatically be brought up to date." I told her that "not to worry" was easier said than done as it was very upsetting for someone to receive such a notice when one is not behind in payment. I requested she immediately send me a letter assuring me that the situation was corrected with the IRS, which she agreed to do.

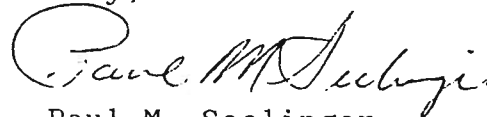
Today, instead of a letter, I received an envelope full of printouts (attachment B). These appear to be some type of record of my account and were obviously generated from your computer. This is not acceptable, as it will not help me in an IRS hearing six months from now should this not be properly rectified. I insist that a letter clearly stating that I am, as of now, fully in compliance with support orders as well as stating that your original letter was in error be sent immediately.

Please know that I realize it is everyone's intent to be fair in every way. This, however, must apply to payers as well as recipients. If employers are allowed to hold payments and this results in past due amounts, the problem is between the Support Collections Staff and the employer, NOT the payer. Your explanations over the phone of how "General Electric sometimes holds money and later makes a double payment of tens of thousands of dollars" and one payer you know of "owes over \$45,000 and probably will never pay" has nothing to do with me! Your suggestion that "we cannot look at each account individually because we don't have time to do so" is totally unacceptable to those of us who receive such a letter inappropriately. I need a letter verifying that this has been rectified at both your office and the IRS sent to me immediately.

Finally, I have taken the liberty to copy several people who I feel should know about problems such as these and could be instrumental in developing better procedures to eliminate them in the future. I remain willing and anxious to help in any way I can.

Thank you for your understanding and cooperation.

Sincerely,



Paul M. Seelinger
2115 Hampton Road
Erie, Pa. 16502

(Home) 454-0230

(Work) 452-5434

pc. Mr. Dave Christiansen
Deputy Director, Domestic Relations

Mrs. Mary P. DeMarco
Hearing Officer

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Mr. Richard Linse
Director of Human Resources
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Judge Stephanie Domitrovich
Court of Common Pleas
Family Court

JUDICIARY COMMITTEE HEARINGS

ON DOMESTIC RELATIONS

SEPTEMBER 11, 1991

WRITTEN TESTIMONY OF

PAUL M. SEELINGER

ERIE, PA.

House Judiciary Committee
House of Representatives
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

September 11, 1991

Respected Members:

Thank you for the opportunity to appear today at your hearing on domestic relations injustices in the Pennsylvania legal system. I hope the problems I have encountered as a payer of support in Erie County can serve as an example of areas in need of correction and/or reform.

It must be said that in no way do I now or have I ever contested the payment of support or the amount of support I pay for my four children. In addition, it must be known that my ex-wife, who receives the support checks on their behalf, has never complained or contested my payment of support since its issuance. Perhaps this leaves you wondering what my mission is, but I'm sure this will become clear very soon.

Beginning in June of 1990, a series of events involving myself and the Erie County Support Office began which are almost to wild to believe. I witnessed and experienced what I felt was gross incompetence, lack of concern, and poor attitude on the part of the staff, poor auditing and crediting procedures, and outright discrimination against me as a payer of support. The continual frustration and harassment I experienced is something no law-abiding citizen of this Commonwealth should tolerate. Ironically, although the matter seems now to be under control, the problem could easily happen to me again. I am here to ask your help in making improvements in the system to assure that, someday, people like me can rest assured that the system works fairly for them.

The following is a summary of the events as they took place between May 1989 and February 1991:

Paul M. Seelinger
Erie, Pa.

<u>Date</u>	<u>Event</u>
05/26/89	An agreement for Order of Support was entered calling for \$1,049.79 monthly for the support of four children . As payer, I requested that the Hearing Officer direct me as to the fastest way to get the bi-weekly payments each payday from myself to my wife. She suggested voluntary wage attachment (not mandatory at the time) and arrangements were made. A request from my wife for a high amount of spousal support was contested by me due to her earning capability.
09/29/89	A separate court order was entered calling for \$30.00 per week in spousal support, retroactive to June 1, 1989. My biweekly payment amount was adjusted to include spousal amount and arrearages.
05/24/90	I signed articles of agreement on small house I wanted to buy.
05/25/90	Went to Marine Bank to file mortgage application. Was told I had to list support payments as one of my monthly bills. The next day, bank refused to even process my application because support payments caused excess indebtedness.
05/26/90	Filed mortgage application with West Penn Finance. Was told I would eventually need to show proof that <u>spousal</u> support was no longer being deducted from my paycheck. I told them this would be possible in one month or so, and the application was accepted.
06/12/90	Decree of Divorce entered. Marital property settlement signed by both parties is also signed by the judge and becomes a court order. Settlement includes a clause calling for no spousal support or alimony to be paid to my ex-wife.
06/27/90	Called Hearing Officer to ask about removing spousal support from my wage attachment. She said they had to audit my record first, which takes about two weeks. Lending institution is holding on approving my mortgage pending my presenting a pay stub showing that spousal support is no longer being paid.

Paul M. Seelinger
Erie, Pa.

Date

Event

07/05/90

Lending institution keeps calling for proof spousal support has terminated. I could not provide this because support office audit was still not done and changes not yet made.

07/07/90

Wrote letter to Hearing Officer asking that the matter be expedited and included a record of all my payments .

07/16/90

A new development occurred. The Hearing Officer told me over the phone that my request to remove spousal support will reopen the child support issue and could cause me to pay more child support. According to her, this request "opens up everything" due to the "new laws." I objected saying this was very unfair. My ex-wife was not even contesting the child support amount. She also said the court order we already had signed was not good enough, and both my ex-wife and I had to come in to sign a new order. I was unable to make any sense of this, but was very concerned about further delay in my mortgage approval. I was also becoming very upset.

07/23/90

Hearing Officer called to say that the request to remove spousal support will not reopen the child support issue. My ex-wife and I need only to sign the new court order on August 1st. I was upset at being misled and becoming so worried over the matter for no reason.

08/01/90

Went to support office to sign new order calling only for child support. I was shocked when told I was "about \$1,200 behind" and the new order was calling for \$100 per month extra to make up the "arrearages." I refused to sign such an erroneous, ridiculous, and self-incriminating document, and I demanded it be corrected. The Hearing Officer said "Mr. Seelinger, the children come first." I was fit to be tied. I was told I'd have to personally see the Auditor for my account, but she was on vacation for a week.

Paul M. Seelinger
Erie, Pa.

Date

Event

08/02/90

Closing on house. Mortgage company reluctantly allowed closing without my pay adjustment being made. Proof of pay adjustment was still expected, and letters would follow in the upcoming weeks continuing to request such proof.

08/14/90

Met with Auditor. I brought all my pay stubs showing proper wage attachment. She showed me on her computer that my employer was two paydays behind in submitting payment. Also, since it was now three days past payday again, I was also told I was three more days (approx. \$35 per day) further behind! She said employers have ten days to submit payment and my employer was one of the worst in this regard, my record showing at one point in April I was over \$2,000 behind. I showed my pay stubs, but she said the Support Office could only credit me for money which reached them, not what had been deducted by my employer. We consulted with the Hearing Officer and the Enforcement Officer, but in the end they told me to get after my employer. I later went to my personnel office to investigate correction of the matter.

08/28/90

Received a puzzling phone call from the Hearing Officer saying that they had "figured out a way to back date my audit so I would not be in arrears." I didn't question this any further. My ex-wife, who had never contested this at all, gladly signed. The order had been typed and dated 7/26/90 and manually changed with a pen to 8/29/90, further adding to the mystery of why this had to drag out so long.

08/29/90

Decided to call Deputy Director of the Support Office, to explain my ordeal. He seemed very understanding and suggested I call him personally if I ever had a problem again.

Paul M. Seelinger
Erie, Pa.

Date

Event

11/02/90

Received a notice (attached) dated October 15, 1990, stating that I was \$712 in arrears and may have been reported to the IRS for attachment of my refund. I called the phone number for the "IRS Offset Division." The woman there checked my account and said the account was fine. However, she told me the "computer tape" was run off in August but not sent to the IRS until now. She told me "not to worry", but I insisted a letter acknowledging the error be sent to me immediately in case I was audited. I told her I was upset. She agreed to send a letter. She also explained that a \$500 arrearage was considered the arbitrary number at which point ones name appeared on the IRS list. I also spoke with the Deputy Director. He recommended I send him a letter of dissatisfaction along with recommendations for improvement in the support system based on my experience.

11/03/90

Instead of receiving the expected letter from the Offset Division, I received an envelope full of computer printouts which I could not even decipher. I wrote detailed complaint letters to the Deputy Director and to the IRS Offset Division (attached). These contained many recommendations for correction and improvement. I also began to copy others on my correspondences, such as Family Court judges and County Executive Judy Lynch. (Only Judy Lynch responded, offering to set up a meeting of all parties if her help was needed.)

12/05/90

Called the Deputy Director to inquire about the status of the letter I wanted, stressing that my account was in order and not subject to IRS attachment. He assured me I would have such a letter by the end of the week. I also told him I wanted the letter sent to the appropriate IRS office to assure the Erie County error was fully corrected.

Paul M. Seelinger
Erie, Pa.

Date

Event

12/19/90

No letter was received from the Deputy Director and I remained concerned that I would end up in a battle with the IRS. I wrote to him demanding a response or I would take the matter to court.

01/05/91

Received the attached letter from the Deputy Director saying that my name was deleted from a second tape submitted on November 30, 1990. However, he offered no assurance the problem had been corrected and was clearly unwilling to fully correct the mistake made by Erie County. I wrote to him for further clarification and disagreed that, as he said in his letter, "Erie County has done its job."

01/23/91

Having still heard no response to my letter to the Deputy Director of January 5th, I called him. He told me there was nothing they could do to assure my refund would not be inappropriately attached, at one point raising his voice saying I was "the only person they had who kept calling and giving them a hard time". I told him I didn't care if he liked it or not, and that more people should do something to correct this mess. I told him if he would do nothing, I wanted names of the people in Harrisburg I could contact myself. He chuckled and told me I was wasting my time, but gave me the names of Majorie Kitchen and Frieda Prunty-Roy of the Child Support Program in Harrisburg. He did assure me that, if my refund was withheld, the funds would be sent to the support office and then returned to me, something no one had mentioned before. I told him I felt I was clearly discriminated against as a divorced, support paying, father over the past several months by their office. He agreed, but blamed it on "the laws we have to follow."

Paul M. Seelinger
Erie, Pa.

Date

Event

01/28/91

Wrote a letter to the Deputy Director outlining my understanding of his assuring me that my IRS refund would be returned to me if attached. I also mentioned that I suspected the problems were more due to the manner in which the laws were enforced, rather than the laws themselves, but that I planned to pursue the matter with Representative Italo Cappabianca. I also, for the first time, requested a refund of all the extra spousal support payments I made while this matter was delayed, something the Support Office should have taken care of automatically. (I finally received a check on 2/26.)

01/29/91

My employer enacted a new procedure to forward support payments via courier on the next business day following each payday.

02/01/91

Met with Representative Cappabianca to discuss my ordeal with the Erie County Support Office. His inquiry into the matter lead up to my testifying at the Judiciary Committee Hearings on Domestic Relations.

Throughout my ordeal, I was given such excuses as:

- a. "You need to understand Mr. Seelinger that we have a man at the General Electric who owes \$45,000 and he'll probably never pay."
- b. "What you don't realize Mr. Seelinger is most people aren't like you. They don't want to pay."
- c. "You need to understand that your employer is one of the worst and they're always behind in payment."
- d. "Our computer system isn't very good but it's what we have to go by."

In summary, I would like consideration given to the enactment of measures that require fair and appropriate handling of funds by employers and the support office itself to insure that:

1. Monies are collected and paid out to recipients in a timely manner.

In my opinion, allowing my employer to use my money for ten days is absurd. In this day and age, we should be using automated electronic transfer of funds wherever possible to expedite processing these payments. Instead, the support office allows employers to sit on funds, which are actual earned income of the employee, then expects the payer to subsidize the delay.

2. Payers are given full credit for payment as soon as pay checks are wage attached.

If employers are given a period of time in which to submit payment, the Support Office must be required to consider this when performing audits. It must be the Support Office's responsibility to take action regarding late payment on the part of employers as called for in the law. This should not be remedied by harassing the payer until the deficiencies of his/her employer are corrected.

3. Payers are not discriminated against according to level of payment.

Procedures calling for arbitrary arrearage amounts, such as \$500, which make a payer subject to IRS refund attachment are clearly discriminatory against certain payers. Action should be taken based on the number of past due payments or a length of time in which payments have not been made.

4. Court orders which include a mutually agreed-upon marital property settlement addressing support issues be acceptable to enact a revised support order without the reapproval of the parties.

At a time in ones life when emotional suffering runs high, the last thing one needs is to encounter unnecessary problems such as those I experienced with the Erie County Support Office.

Measures such as these which require proper procedures be followed by the Support Office and the employer will better serve the deserving recipients of support and the payers of support who simply deserve fair treatment and human respect. It is imperative that the rights of the payer be addressed in future legislation.

Finally, I offer my assistance to you regarding these matters at any time I can be of help.

Sincerely,



Paul M. Seelinger
2115 Hampton Road
Erie, Pa. 16502

(814) 454-0230