

RECEIVED & FILED

STATE OF MAINE  
ANDROSCOGGIN, ss.

NOV 13 2002  
ANDROSCOGGIN  
SUPERIOR COURT

SUPERIOR COURT  
CIVIL ACTION  
Docket No. AP-02-011  
EAC - 11/13/02

BLAINE WHITNEY,  
Petitioner

v.

ORDER

DONALD L. GARBRECHT  
LAW LIBRARY

STATE OF MAINE  
DEPARTMENT OF HUMAN SERVICES,  
Respondent

NOV 21 2002


Pursuant to 19-A M.R.S.A. § 2358, the Department of Human Services withheld \$769 from a joint account belonging to him and Deborah Child. Petitioner filed a request for review of that action, and an administrative hearing was held on May 1, 2002. After hearing the evidence presented, the Hearing Officer issued a written decision, including findings of fact. In his decision, the hearing officer held that, because Whitney was legally entitled to withdraw the funds in that account, the funds were not exempt from garnishment.

Whitney filed a petition for judicial review of that administrative decision. After review of the filings, and after consideration of the arguments presented at hearing on November 12, 2002, the court finds that the administrative decision is supported by substantial evidence in the record, and is not in violation of any constitutional or statutory provisions.

The petitioner's appeal is denied.

The clerk is instructed to incorporate this order by reference in the docket for this case.

DATED: 11/13/02

  
\_\_\_\_\_  
Ellen A. Gorman  
Justice, Maine Superior Court

Date Filed June 4, 2002 ANDROSCOGGIN County Docket No. AP-02-11

Action 80C APPEAL-CHILD SUPPORT ENFORCEMENT

BLAINE T. WHITNEY  
DEBORAH CHILD  
8 Hodgkin Street  
Lewiston, ME 04240

DEPARTMENT OF HUMAN SERVICES

vs.

Plaintiff's Attorney

Pro Se

Defendant's Attorney  
Melissa O'Dea, AAG  
~~Raymond E. Ritchie, AAG~~  
OFFICE OF THE ATTORNEY GENERAL  
6 State House Station  
Augusta, ME 04333-0006  
BAR #1722

Date of  
Entry

2002

June 4: Received 6-4-02.  
Notice of Appeal with attachment, filed. (Summary Sheet filed.)  
" " Application of Plaintiff to Proceed without Payment of Fees, filed.  
" " Indigency Affidavit, filed.

June 7: Received 6-4-02.  
Order on Application to Proceed without Payment of Fees, filed. (Delahanty, J  
it is ORDERED that:  
the filing fee is waived.  
This order is incorporated into the docket by reference at the specific  
direction of the court.  
copy mailed Blaine T. Whitney & Deborah Child on 6-7-02.

June 11: Received 6-11-02.  
Correspondence from Raymond E. Ritchie, AAG RE: Acknowledging receipt of  
the Petitioner's Rule 80C Appeal, filed.

July 9: Received 6-9-02.  
Record on Appeal, filed.

" " On 7-9-02.  
Notice and Briefing Schedule (80C Appeal of Final Agency Actions mailed  
Blaine T. Whitney, Deborah Child and Raymond E. Ritchie, AAG on 7-9-02.  
(Appellant's Brief due on or before August 19, 2002).

Aug. 27: Received 8-19-02.  
Appellant's Brief, filed.  
(Appellee's Brief due on or before September 18, 2002).

Sept. 26: Received 9-26-02.  
Brief of the Department of Human Services, filed.  
" " Defendant's Motion to Strike Exhibits, filed.  
" " Proposed Order, filed.

(Over)