

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: :
MARSHA LYNN WOODARD, : CASE NO. 02-94685-JB
: :
: :
Debtor. : CHAPTER 7
:

ORDER

This debtor wrote a letter ("Letter") to the Clerk of the Bankruptcy Court, dated October 10, 2007 and received on October 23, 2007, which debtor refers to as a motion to reopen her Chapter 7 case (Docket #7). Although debtor requests that her case be reopened in order to address disputes she has with the Social Security Administration ("SSA"), she does not identify any motion or adversary proceeding she would file were the case to be reopened. Further, debtor states that she does not want to appear in this Court, but wishes to have the case transferred to the Bankruptcy Court for the Northern District of California. After carefully reviewing the debtor's Letter, the Court concludes that this case should not be reopened.

According to the Court's records, this case was closed more than five years ago, on August 21, 2002. The case, filed on May 2, 2002, was administered by the Chapter 7 Trustee as a no asset case, and debtor received a discharge on August 18, 2002. There was no adversary proceeding filed to determine the dischargeability of any debt. In debtor's Schedule F, debtor listed the SSA as a creditor with a disputed unsecured claim of \$19,000.00 at the following address: 1500 Woodlawn Drive, Baltimore, MD 21241. However, debtor's local Georgia SSA office and the Office of United States

Attorney for the Northern District of Georgia, both of which should have received notice on behalf of the SSA, were not listed in debtor's bankruptcy filing. Fed. R. Bankr. P. 2002(j)(4).¹

From the papers debtor attached to her Letter, it appears that she has been engaged in a dispute with the SSA that involves payments going back more than 27 years, to December of 1980. The papers also suggest that the SSA provided debtor with a listing and explanation of disputed payments. It is not clear from debtor's Letter whether she filed an appeal with an Administrative Law Judge or otherwise exhausted her administrative remedies. Debtor's Letter appears to request that the SSA pay benefits to debtor that have been withheld, including interest and penalties. It is unlikely that such broad relief could be granted by the Bankruptcy Court. While the general rule is that the bankruptcy discharge, granted in August of 2002, would have discharged any pre-petition obligations to the SSA,² the disputes between the parties appear to go far beyond this issue. Debtor would be well served by seeking the advice of counsel in California, or wherever debtor now resides, with expertise in the area of social security benefits.

Finally, debtor appears to have sent a copy of her Letter only to the SSA located at 84 North Main Street, Freeport, NY 11520. In the interest of fairness, a motion to reopen would need to

¹ Fed. R. Bankr. P. 2002(j) ("Notices to the United States") provides in relevant part: *Copies of notices required to be mailed to all creditors under this rule shall be mailed to... (4) if the papers in the case disclose a debt to the United States other than for taxes, to the United States attorney for the district in which the case is pending and to the department, agency, or instrumentality of the United States through which the debtor became indebted[.]*

² See *Neavear v. Schweiker (In re Neavear)*, 674 F.2d 1201 (7th Cir. 1982); *Rowan v. Morgan (In re Rowan)*, 747 F.2d 1052 (6th Cir. 1984); *Lee v. Schweiker*, 739 F.2d 870 (3d Cir. 1984); *Hagan v. Heckler (in re Hagan)*, 41 B.R. 122 (Bankr. R.I. 1984); *Hawley v. United States of America Social Security Administration Bureau of Disability Insurance (In re Hawley)*, 23 B.R. 236 (Bankr. Mich. 1982). See also Daniel L. Skoler, *The Status and Protection of Social Security Benefits in Bankruptcy Cases*, 67 Am Bankr. L. J.585 (1993).

be sent to the Acting United States Trustee for Region 21, Donald Walton, Suite 362, 75 Spring Street, SW, Atlanta, Georgia 30303; Office of the United States Attorney, Northern District of Georgia, 600 Richard Russell Building, 75 Spring Street, SW, Atlanta, Georgia 30303; the case Trustee, Herbert Broadfoot, 2400 International Tower, Peachtree Center, 229 Peachtree Street, Atlanta, Georgia 30303; and the SSA at 1500 Woodlawn Drive, Baltimore, Maryland 21241-1500; at 84 North Main Street, Freeport, New York 11520; and at 6140 Cottle Road, San Jose, California 95123.

In accordance with the above reasoning, debtor's request to reopen the bankruptcy case cannot be granted and is denied.

IT IS SO ORDERED, this 8th day of November, 2007.



JOYCE BIARY
UNITED STATES BANKRUPTCY JUDGE

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DATE: November 8, 2007