



Office of Appeals
 U.S. Department of Housing and Urban Development
 Washington, D.C. 20410-0001

In the Matter of:	:		
	:		
Hilton Aguilar,	:	HUDOA No.	10-H-NY-AWG09
	:	Claim No.	72-100081-6
Petitioner	:		

Hilton Aguilar	<i>Pro se</i>
20253 SW 128 Place	
Miami, FL 33177	

Julia Murray, Esq.	For the Secretary
US Department of Housing and Urban Development	
Office of Assistant General Counsel for New York/New Jersey Field Offices	
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New York, NY 10274	

RULING AND ORDER OF DISMISSAL

Petitioner filed a timely request to present evidence that an alleged past-due, legally enforceable debt of Petitioner to the U.S. Department of Housing and Urban Development (“HUD”) should not be collected by the Secretary by means of administrative wage garnishment. Pursuant to 24 C.F.R. §§ 17.170, 20.4(b), and 31 C.F.R. § 285.11(f), the administrative judges of the HUD Office of Appeals are authorized to determine whether certain debts exist and are legally enforceable and whether they can be collected by means of administrative wage garnishment. As a result of Petitioner’s request, referral of the debt to the U.S. Department of the Treasury was temporarily stayed by this Office on October 20, 2009. (Notice of Docketing, Order, and Stay of Referral.)

On November 4, 2009, the Secretary filed a Motion to Dismiss in which he states that “Petitioner has agreed to settle his debt with HUD for \$150. However, since payment has not been received by the Secretary, it is requested that this matter be dismissed without prejudice. (Secretary’s Motion to Dismiss, ¶ 2, Attach., Declaration of Brian Dillon, Director of HUD’s Asset Recovery Division, ¶ 3.)

Upon due consideration, the Secretary’s Motion to Dismiss without prejudice is **GRANTED**. It is hereby

ORDERED that the Secretary shall not seek collection of this outstanding obligation by means of administrative wage garnishment of any federal payment due Petitioner because the parties have agreed to settle the subject debt for \$150.00.

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on October 20, 2009 shall remain in place indefinitely.

However, the Secretary shall reserve any rights or remedies that he may have to pursue collection of this debt if in the future Petitioner's debt to the Department still exists.

This matter is **DISMISSED** without prejudice.



Vanessa L. Hall
Administrative Judge

November 4, 2009