



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

In the Matter of:

Ivan M. Casavant Jr.,

Petitioner

HUDOA No. 10-H-NY-AWG67
Claim No. 7800601300A

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For Petitioner

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For the Secretary

RULING AND ORDER OF DISMISSAL

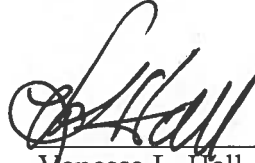
Petitioner filed a timely request to present evidence that an alleged past due, legally enforceable debt of Petitioner to the U.S. Department of Housing and Urban Development ("HUD") should not be collected by the Secretary by means of administrative wage garnishment. Pursuant to 31 C.F.R. § 285.11, as authorized by 24 C.F.R. § 17.170, the administrative judges of the HUD Office of Appeals are authorized to determine whether the debt that is the subject of this proceeding is past due and legally enforceable. As a result of Petitioner's hearing request, referral of the debt to the U.S. Department of the Treasury was temporarily stayed by this Office on April 6, 2010. *See* 31 C.F.R. §285.11(f)(4).

On April 21, 2010, the Petitioner filed a Motion to Dismiss this case on the ground that "Petitioner is currently unemployed according to Petitioner's attorney." The Secretary requested, however, that this matter be dismissed without prejudice to renew the application at such time as Petitioner should become eligible for wage garnishment. (Id.)

Upon due consideration, the Secretary's Motion to Dismiss is **GRANTED**. It is hereby

ORDERED that this matter is **DISMISSED** without prejudice. It is

FURTHER ORDERED that the Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on April 6, 2010 shall remain in place indefinitely.



Vanessa L. Hall
Administrative Judge

April 23, 2010