



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

In the Matter of:

Justin Leach,

Petitioner

HUDOA No. 11-H-CH-AWG118
Claim No. 780726425

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For Petitioner

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For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

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 Court on July 14, 2011. (Notice of Docketing, Order, and Stay of Referral, dated July 14, 2011.)

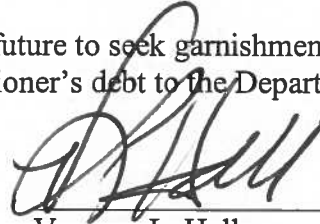
On January 13, 2012, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that "Petitioner filed a voluntary Chapter 7 Bankruptcy Petitioner in the United States Bankruptcy Court for the Northern District of Florida, Panama City Division, case number 11-50640-LMK." The Secretary further stated that this matter be dismissed "without prejudice pending the disposition of Petitioner's bankruptcy proceedings."

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Court on July 14, 2011 shall remain in place indefinitely.

Upon due consideration the Secretary's motion is **GRANTED**. It is hereby

ORDERED that this matter is **DISMISSED WITHOUT PREJUDICE**.

The Secretary shall retain the right in the future to seek garnishment of Petitioner's wages, or collection by any other method, if Petitioner's debt to the Department then exists.



Vanessa L. Hall
Administrative Judge

January 13, 2012