



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

In the Matter of:

Danny Jones,
Petitioner

HUDOA No. 11-H-NY-AWG07
Claim No. 721006039

Danny Jones
3401 Anderson Road Unit 32
Antioch, TN 37013

Pro se

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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 21, 2010. (Notice of Docketing, Order, and Stay of Referral, dated October 21, 2010.)

On November 12, 2010, a Motion to Dismiss ("Sec'y Mot. to Dismiss") was filed by the Secretary in which the Secretary stated that HUD is "dismissing without prejudice its action to pursue Administrative Wage Garnishment as HUD is attempting to collect the debt from the mortgagee." (See also Sec'y Mot. to Dismiss, Exhibit A, Declaration of Brian Dillon, Director, Asset Recoery Division, Financial Operations Center of the U.S. Department of Housing and Urban Development, HUD, ¶3.)

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

ORDERED that the Secretary shall not seek to collect this debt by means of administrative wage garnishment of any federal payments due to Petitioner as HUD is attempting to collect the debt from the mortgagee.

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on October 21, 2010 shall remain in place indefinitely.

However, the Secretary may renew the application at such time as Petitioner should become eligible for wage garnishment.

This matter is **DISMISSED WITHOUT PREJUDICE**.



Vanessa L. Hall
Administrative Judge

November 15, 2010