



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

In the Matter of:

**Francisco Rimada,**

Petitioner

HUDOA No. 10-H-CH-AWG26  
Claim No. 452411779

Francisco Rimada  
5036 Trojan Drive  
El Paso, TX 79924

*Pro se*

Matthew Towey, Esq.  
US Department of Housing and  
Urban Development  
Office of Regional Counsel  
for Midwest Field Offices  
77 West Jackson Boulevard  
Chicago, IL 60604

For the Secretary

**RULING ON MOTION TO DISMISS WITHOUT PREJUDICE**

Petitioner has 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. §§ 17.150-17.170 and 20.4(b), and 31 C.F.R. §§ 285.11(f), the administrative judges of this Office are authorized to determine whether certain debts exist and are legally enforceable and whether they can be collected by means of administrative wage garnishment.

On January 22, 2010 a Motion to Dismiss was filed on behalf of the Secretary stating that the Secretary has determined that he "has reviewed Petitioner's wage and income information and determined that continuing to garnish his wages would create a financial hardship." He further states that he "has no intention of continuing to garnish Petitioner's wages until Petitioner's monthly expenses are reduced or until such time that his monthly income is increased."

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

**ORDERED** that the Secretary shall not seek to collect the claimed debt from Petitioner by means of administrative wage garnishment because to continue to garnish Petitioner's monthly income would create a financial hardship. The Stay of Referral of

this matter to the U.S. Department of the Treasury issued by this Office on January 12, 2010 shall remain in place indefinitely.

This matter is **DISMISSED** without prejudice.

A handwritten signature in black ink, appearing to read 'V. Hall', written over a horizontal line.

Vanessa L. Hall  
Administrative Judge

January 27, 2010