



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

In the Matter of:

Lynda Landrum,

Petitioner

HUDOA No. 10-H-CH-AWG40
Claim No. 763694681-OB

Lynda Landrum
2028 W. Lenawee
Lansing, MI 48915

Pro se

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For the Secretary

RULING AND ORDER OF DISMISSAL

On January 19, 2010, 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 January 21, 2010. (Notice of Docketing, Order, and Stay of Referral.)

On February 17, 2010, the Secretary filed a Motion to File Out of Time and Dismiss ("Motion") for failure to file in a timely fashion and on the grounds that the Secretary "has no intention of proceeding to garnish Petitioner's wages." (Motion, ¶¶ 2-3.) On February 19, 2010 this Office issued an Order to the Secretary to further clarify the basis for failing to file in a timely fashion and to further provide information that identified the circumstances that led to the Secretary's determination not to enforce the alleged debt against Petitioner.

On February 25, 2010, the Secretary responded by filing a Supplemental Motion to Dismiss on the grounds that "the Secretary determined that it is not possible to refute

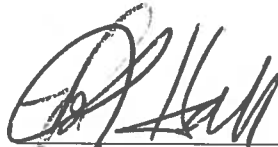
Petitioner's contention that this debt was retired by her ex-husband." The Secretary also conceded that "filing both a Motion to Dismiss and a Motion to File Out of Time was redundant." (Id.)

Upon due consideration, the Secretary's Motion to Dismiss is **GRANTED**. The Secretary's Motion to File Out of Time is **DENIED** as **MOOT** since this case has been dismissed. 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 Secretary has determined that it was not possible to refute Petitioner's contention that the debt was retired by her ex-husband.

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on January 21, 2010 is hereby made permanent.

This matter is **DISMISSED** with prejudice.

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

Vanessa L. Hall
Administrative Judge

February 26, 2010