



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

In the Matter of:

**Mark McWhorter,**

Petitioner

HUDOA No. 10-H-CH-AWG47  
Claim No. 721003625

Mark McWhorter  
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Royse City, TX 75189

*Pro Se*

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Urban Development  
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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 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. (Notice of Docketing, Order, and Stay of Referral, dated February 2, 2010.)

On February 11, 2010, a Motion to Dismiss Without Prejudice was filed on behalf of the Secretary advising this Office that "the Secretary has determined that the debt will be collected by IRS tax refund offset," and that "the Secretary has no intention of garnishing Petitioner's wages and will not do so if the debt is successfully collected via tax refund offset."

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

**ORDERED** that the Secretary shall not seek to collect the claimed debt of Petitioner by means of administrative wage garnishment because the Secretary has determined that the debt will be collected by IRS tax refund offset.

This matter is dismissed without prejudice.

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

Vanessa L. Hall  
Administrative Judge

February 17, 2010