



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

In the Matter of:

Vivian Floyd,

Petitioner

HUDOA No. 10-H-CH-AWG58
Claim No. 780696248

Vivian Floyd
809 Lacreata Court
Grand Prairie, TX 75052

Pro se

James W. Webster, Esq.
U.S. Department of Housing and Urban Development
Office of Assistant General Counsel
for Midwest Field Offices
77 West Jackson Boulevard
Chicago, IL 60604

For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

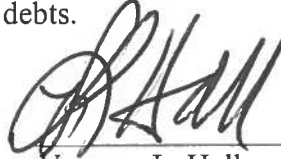
Petitioner has filed a timely request to present evidence that an alleged past-due, legally enforceable debt of Petitioner to the U.S. Department of Housing and Urban Development ("HUD") should not be collected by the Secretary by means of administrative wage garnishment. Pursuant to 24 C.F.R. §§ 17.150-17.170 and 20.4 (b), and 31 C.F.R. § 285.11(f), the administrative judges of 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.

On March 3, 2010, a Motion to Dismiss was filed on behalf of the Secretary stating that "the Secretary's counsel was notified that Petitioner had filed a petition for Debt Relief under Chapter 7 on the United States Bankruptcy Code," and that "the stay imposed by the bankruptcy court prohibits any further collection action." The Secretary further stated "operating under the presumption that a discharge will be allowed, the Secretary has closed this file and has no intention of taking any measures to collect this debt."

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 this debt is subject to a stay imposed by the bankruptcy court that prohibits any further collection action.

This matter is **DISMISSED** without prejudice, with leave for the Secretary to re-file in the event Petitioner is denied a discharge of her debts.

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

Vanessa L. Hall
Administrative Judge

March 5, 2010