



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

In the Matter of:

**Maria Patino,**

Petitioner

HUDOA No. 10-H-CH-  
AWG74

Claim  
No. 770994868-1A

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For Petitioner

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For the Secretary

**RULING AND ORDER OF DISMISSAL**

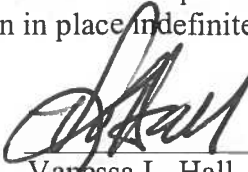
Petitioner filed a timely request to present evidence that an alleged past due, legally enforceable debt of Petitioner to the U.S. Department of Housing and Urban Development ("HUD") should not be collected by the Secretary by means of administrative wage garnishment. Pursuant to 31 C.F.R. § 285.11, as authorized by 24 C.F.R. § 17.170, the Administrative Judges of the HUD Office of Appeals are authorized to determine whether the debt that is the subject of this proceeding is past due and legally enforceable. As a result of Petitioner's hearing request, referral of the debt to the U.S. Department of the Treasury was temporarily stayed by this Office on April 15, 2010. *See* 31 C.F.R. §285.11(f)(4).

On July 1, 2010, the Secretary filed a Motion to Dismiss this case on the ground that "Petitioner's discharge in Chapter 7 bankruptcy is pending and the automatic stay prevents collection from Petitioner." The Secretary, however, retains the right to seek

garnishment of the Petitioner's wages in future years if Petitioner's debt to the Department then exists. (*Id.*) Upon due consideration, the Secretary's Motion to Dismiss is **GRANTED**. It is hereby

**ORDERED** that this matter is **DISMISSED** without prejudice.

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on April 15, 2010 shall remain in place indefinitely.



Vanessa L. Hall  
Administrative Judge

July 6, 2010