



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

In the Matter of:

Crystal Dunaway,

Petitioner

HUDOA No. 10-H-NY-AWG48
Claim No. 780710973

J. James Rogan, Esq.
345 South Fourth Street
Danville, KY 4022

For Petitioner

Julia Murray, Esq.
U.S. Department of Housing and
Urban Development
Office of Regional Counsel
for New York/New Jersey Field Offices
26 Federal Plaza, Room 3237
New York, NY 10278

For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

Petitioner was notified by a Notice of Intent that, pursuant to 31 U.S.C. § § 3716 and 3720A, the Secretary of the U.S. Department of Housing and Urban Development ("HUD") intended to seek offset by the United States Department of the Treasury of certain Federal payments due to Petitioner to recover a claimed past due, legally enforceable debt of Petitioner to HUD.


Petitioner filed a timely request to present evidence that the debt was not past due or not legally enforceable. Pursuant to 24 C.F.R. § § 17.150-17.170 and 20.4(b), the administrative judges of the HUD Office of Appeals are authorized to determine whether these debts are past due and legally enforceable. 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 January 5, 2010.

On May 25, 2010, a Motion to Dismiss was filed on behalf of the Secretary stating that "HUD seeks to dismiss its action to pursue Administrative Wage Garnishment because Petitioner filed Chapter 7 bankruptcy in the United States Bankruptcy Court, Eastern District of Kentucky under case number 10-50345 on February 4, 2010. Petitioner's bankruptcy case was discharged on May 19, 2010."

Upon due consideration, the Secretary's Motion to Dismiss is **GRANTED**. It is hereby **ORDERED** that the Secretary shall not seek to collect this debt by means of administrative offset of any Federal payments due to Petitioner because the debt is unenforceable.

The Stay of Referral of this matter to the U.S. Department of the Treasury is made permanent.

This matter is **DISMISSED WITH PREJUDICE**.



Vanessa L. Hall
Administrative Judge

June 1, 2010