



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

In the Matter of:

Claude O. Heniger,
Petitioner

:
:
: HUDOA No. 11-H-CH-AWG01
: Claim No. 780682610
:

Claude O. Heniger
5606 Bissonnet, Apt. 127
Houston, TX 77081

Pro se

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For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

On September 29, 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 October 5, 2010. (Notice of Docketing, Order, and Stay of Referral, dated October 5, 2010.)

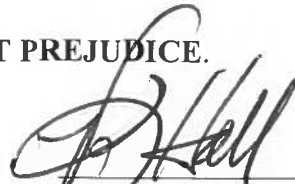
On December 20, 2010, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that "the appeal related to garnishing Petitioner's wages be dismissed

as the Secretary has no intent of garnishing Petitioner's wages because they are already being garnished to the full extent of the law." (Motion to Dismiss.)

Upon due consideration, the Secretary's motion 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 Petitioner's wages are already being garnished.

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

January 13, 2011