



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

In the Matter of:

Dennis Hegarty,

Petitioner

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HUDOA No. 11-H-CH-AWG04
Claim No. 721005724

Dennis Hegarty
7341 Eleanor Avenue, Space #32
Oakdale, CA 95361

Pro se

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Urban Development
Office of Assistant General Counsel
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For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

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 April 7, 2010, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that "a total of ten garnishments amounting to the sum of \$2,080.00 have been applied to Petitioner's debt," and "the sum of \$9,253.62 has been collected via IRS offsets." The Secretary further states that "Petitioner's debt has been paid in full, and that, as a result of the last IRS offset, an additional sum of \$985.50 over the amount

Petitioner owed was collected,” and that “a check, in the amount of \$985.50 has been processed by HUD to repay the \$985.50 that was over paid.”

Upon due consideration, the Secretary’s motion is **GRANTED**. It is hereby

ORDERED that the Secretary is not authorized to seek collection of this outstanding obligation by means of administrative wage garnishment because Petitioner has paid the debt in full.

The Order imposing the stay of referral of this matter to the U.S. Department of the Treasury for administrative wage garnishment is **VACATED**.

This matter is **DISMISSED WITH PREJUDICE**.



Vanessa L. Hall
Administrative Judge

April 8, 2011