



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

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In the Matter of:

**Robert Sullivan,**

Petitioner

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: HUDOA No. 11-H-CH-AWG18  
: Claim No. 780715048

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Robert Sullivan  
11 Concord Road  
Mayflower, AR 72106-9457

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**

On October 19, 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 21, 2010. (Notice of Docketing, Order, and Stay of Referral, dated October 21, 2010.)

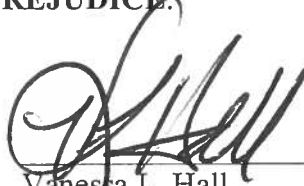
On February 3, 2011, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that "Petitioner was involuntarily separated from his employment and because he has not been continuously employed for twelve months since the date he was

laid off of his job, the Secretary cannot lawfully garnish Petitioner's wages until he has been continuously employed for twelve consecutive months." (Motion to Dismiss.)

Upon due consideration and consistent with the provisions under 31 C.F.R. § 285.11(j), 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 has not been employed continuously for twelve consecutive months.

This matter is **DISMISSED WITHOUT PREJUDICE**.

  
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Vanessa L. Hall  
Administrative Judge

February 11, 2011