



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

In the Matter of:

**Nanette St. Marie,**  
Petitioner

HUDOA No. 11-H-CH-AWG33  
Claim No. 780441264

Nanette St. Marie  
10665 West 7<sup>th</sup> Avenue, Apt. 1  
Lakewood, CO 80215

Pro se

James Webster, Esq.  
U.S. Department of Housing and  
Urban Development  
Office of Assistant General Counsel  
for Midwest Field Offices  
77 West Jackson Boulevard  
Chicago, Illinois 60604

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 December 17, 2010. (Notice of Docketing, Order, and Stay of Referral, dated December 17, 2010.)

On January 6, 2011, a Motion to Dismiss was filed on behalf of the Secretary advising this Office:

1. That, on December 17, 2010 the Secretary and Petitioner entered into an agreed repayment plan.
2. That the terms of the repayment plan are that, Petitioner's employer's mistake of garnishing 25% of Petitioner's wages has been corrected and the amount being garnished has been reduced to 15% of Petitioner's disposable income. (Exhibit A)

3. In addition to lowering the amount being garnished, Petitioner has elected to have the amounts that were previously collected applied to her debt. (Exhibit A)

(Motion to Dismiss, ¶¶ 2-4).

Therefore, upon due consideration, the Secretary's Motion to Dismiss is **GRANTED**. It is hereby

**ORDERED** that this matter is **DISMISSED WITHOUT PREJUDICE**.

A handwritten signature in black ink, appearing to read 'V. L. Hall', is written over a horizontal line.

Vanessa L. Hall  
Administrative Judge

January 13, 2011