



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

In the Matter of:

Randal S. Opelt,
Petitioner

HUDOA No. 11-H-CH-AWG40
Claim No. 780692718

Randal S. Opelt
1504 Denney Drive
Altoona, WI 54720

Pro se

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

For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

On December 22, 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 December 29, 2010. (Notice of Docketing, Order, and Stay of Referral, dated December 29, 2010.)

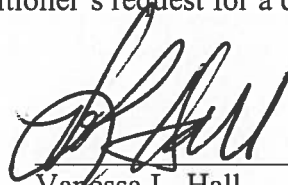
On January 21, 2011, a Motion to Dismiss ("Motion") was filed by the Secretary in which the Secretary stated that "since the date of the issuance of the Order, Petitioner has filed for debt relief under Chapter 7 of the United States Bankruptcy Code."

(Motion, Ex. A.). The Secretary further states that "by operation of law, all collection efforts related to this debt is stayed."

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 the Secretary has requested that all collection efforts related to this debt be stayed.

This matter is **DISMISSED WITHOUT PREJUDICE** with leave to reinstate in the event the bankruptcy court does not allow Petitioner's request for a discharge of debts.



Vanessa L. Hall
Administrative Judge

January 21, 2011