



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

In the Matter of:

Richard Nettles,

Petitioner

HUDOA No. 11-H-NY-AWG107
Claim No. 770109376

Pro se

Richard Nettles
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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 31 C.F.R. § 285.11, as authorized by 24 C.F.R. § 17.170, the Administrative Judges of the HUD Office of Appeals are authorized to determine whether the debt that is the subject of this proceeding is past due and legally enforceable. As a result of Petitioner's hearing request, referral of the debt to the U.S. Department of the Treasury was temporarily stayed by this Office on June 21, 2011. *See* 31 C.F.R. §285.11(f) (4).

. On June 28, 2011, the Secretary filed a Motion to Dismiss this case "because HUD is currently collecting this debt via recurring monthly offsets of Petitioner's federal benefit payments via the Treasury Offset Program. (Declaration of Brian Dillon at ¶ 8 – Exhibit A)." Upon due consideration, the Secretary's Motion to Dismiss is **GRANTED**. It is hereby

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

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on June 21, 2011 shall remain in place indefinitely.



Vanessa L. Hall
Administrative Judge

June 29, 2011