



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

In the Matter of:

Joshua Parrish,
Petitioner

HUDOA No. 11-H-NY-AWG119
Claim No. 721006833

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Pro se

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For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

On July 18, 2011, 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 August 4, 2011. (Notice of Docketing, Order, and Stay of Referral, dated August 4, 2011.)

On August 26, 2011, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that "Pursuant to 31 C.F.R. § 285.11(j), the Secretary is prohibited from garnishing the wages of a debtor who he knows has been involuntarily separated from employment until the debtor has been continuously reemployed for at least 12 months." The Secretary further states that "Petitioner has provided HUD's Financial Operations Center with letters from both his former and current employers indicating that Petitioner was involuntarily separated from his place of employment and has not been continuously reemployed for at least 12 months." (Motion to Dismiss). As support, the Secretary submitted a Declaration from the

Director, Asset Recovery Division, Financial Operations Center of the United States Department of Housing and Urban Development, along with copies of the letters from Petitioner's former and current employers. (Motion to Dismiss, Ex. A, ¶ 3, Attachments.) The Secretary adds that while he "moves to dismiss the instant administrative wage garnishment action," he "reserves the right to seek collection of the subject debt when Petitioner becomes eligible."


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 Petitioner has been involuntarily separated from his place of employment and has not been continuously reemployed for at least 12 months.

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on August 4, 2011 shall remain in place indefinitely.

However, if Petitioner should become eligible in the future for wage garnishment, the Secretary is granted his request to renew the application for wage garnishment at that time.

This matter is **DISMISSED WITHOUT PREJUDICE**.



Vanessa L. Hall
Administrative Judge

August 30, 2011