



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

In the Matter of:

Jalil Shafi,

Petitioner

HUDOA No. 11-H-NY-AWG126
Claim No. 780705213

Jalil Shafi
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Pro se

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For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

On August 9, 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 9, 2011. (Notice of Docketing, Order, and Stay of Referral, dated August 9, 2011.)

On August 22, 2011, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that "Based on a review of Petitioner's financial statement, HUD has determined that an Administrative Wage Garnishment will create a financial hardship for him, therefore, HUD will not seek to collect this debt at the present time." As support, the Secretary submitted a Declaration from the Acting Director, Asset Recovery Division, Financial Operations Center of the United States Department of Housing and Urban Development. (Motion to Dismiss, Ex. A, ¶ 3.)

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 it will create a financial hardship for Petitioner.

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on August 9, 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**.

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

Vanessa L. Hall
Administrative Judge

August 23, 2011