



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

In the Matter of:

Suzanne Russell,

Petitioner

HUDOA No. 11-H-NY-AWG143
Claim No. 721006887

Suzanne Russell
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Laurel, MD 20707

Pro se

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For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

Pursuant to 31 C.F.R. § 285.11(f)(2), Petitioner requested a hearing concerning a proposed administrative wage garnishment relating to a debt allegedly owed to the U.S. Department of Housing and Urban Development ("HUD"). The Debt Collection Improvement Act of 1996, as amended (31 U.S.C. § 3720D), authorizes Federal agencies to utilize administrative wage garnishment for the collection of debts owed to the United States Government.

The administrative judges of this Office are authorized to determine whether the Secretary may collect the alleged debt by administrative wage garnishment if the debtor submits a timely written request for a hearing. 24 C.F.R. § 17.170(b); 31 C.F.R. § 285.11(f)(2). This hearing was conducted in accordance with the procedures set forth at 31 C.F.R. § 285.11. Pursuant to 31 C.F.R. § 285.11 (f)(10)(i), issuance of a wage withholding order was stayed by this Office on September 14, 2011 until the issuance of a written decision.

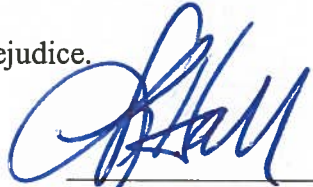
On October 5, 2011, a Motion to Dismiss was filed by the Secretary which stated that the Petitioner had "paid the debt in full." The Secretary further stated, however, that "since payment has not officially cleared, it is requested that this matter be dismissed without prejudice." (Motion to Dismiss, Exh. A, Declaration of Brian Dillon, ¶ 3.)

Upon due consideration, the Secretary's motion is **GRANTED**. Therefore it is hereby

ORDERED that the Secretary shall not seek to collect the claimed debt from Petitioner by means of administrative wage garnishment because this debt is legally unenforceable.

The stay of referral of this matter to the U.S. Department of the Treasury for issuance of an administrative wage garnishment order is hereby made permanent.

This matter is **DISMISSED** without prejudice.



Vanessa L. Hall
Administrative Judge

October 7, 2011