



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

In the Matter of:

Melissa Carter,
Petitioner

:
:
: HUDOA No. 11-H-NY-AWG17
: Claim No. 721000740

Melissa Carter
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Pro se

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For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

On October 18, 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 October 21, 2010. (Notice of Docketing, Order, and Stay of Referral, dated October 21, 2010.)

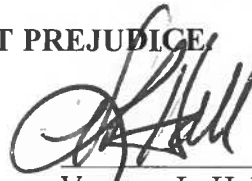
On November 19, 2010, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that "HUD has accepted a lump sum settlement offer of \$1,500.00 from Petitioner. However, since payment has not been received by the Secretary, it is

requested that this matter be dismissed without prejudice.” (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 the Secretary has accepted Petitioner’s lump sum settlement offer of \$1500.00. The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on October 21, 2010 shall remain in place indefinitely.

This matter is **DISMISSED WITHOUT PREJUDICE**.



Vanessa L. Hall
Administrative Judge

November 19, 2010