

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

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In the Matter of:

## Nicole Burris aka Nicole H. Holman,

Petitioner

Nicole H. Holman 924 Peach Place Drive Fort Mill, SC 29715 Pro se

HUDOA No.

Claim No.

11-H-NY-AWG42

721006072

For the Secretary

Julia Murray, Esq.
US Department of Housing and Urban Development
Office of Assistant General Counsel for New York/New Jersey Field Offices
26 Federal Plaza, Room 3237
New York, NY 10278

## **RULING ON SECRETARY'S MOTION TO DISMISS**

On December 17, 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 December 29, 2010. (Notice of Docketing, Order, and Stay of Referral, dated December 29, 2010.)

On February 25, 2011, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that "Petitioner's debt was paid in full on January 28, 2011 in the amount of \$5,679.41." (Motion to Dismiss.)

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's debt was paid in full.

This matter is **DISMISSED WITH PREJUDIC** 

Vane sa L. Hall

Administrative Judge

March 1, 2011