



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

In the Matter of:

**RANDI BARKER a/k/a
RANDI JAMIESON**

Petitioner

HUDOA No. 11-M-CH-AWG150
Claim No. 721006909

Date of Order: April 26, 2012

RULING AND ORDER OF DISMISSAL

On March 8, 2012, the Secretary filed a motion to dismiss stating that "the Secretary recently received funds via an offset of an IRS refund that paid the debt [in this case,] in full." Secretary's Motion to Dismiss Without Prejudice, ¶3. The Secretary further states that [Petitioner's spouse] and/or Petitioner may contest such offset to the extent Mr. Jamieson had any interest in the tax refund. Accordingly, the Secretary requests that any dismissal of this action be without prejudice, in the event that the Secretary is required to return, in whole or in part, any portion of such payment, and the Secretary reserves any rights to pursue wage garnishment in the future should Petitioner be eligible for same, and reserves any and all rights and defenses regarding Petitioner's claims regarding the amount or enforceability of the debt." *Id.* Upon consideration, the Secretary's Motion to Dismiss Without Prejudice is GRANTED. Accordingly, it is

ORDERED that this case is DISMISSED, without prejudice. And it is

FURTHER ORDERED that the stay of referral of this debt to the U.S. Department of the Treasury for collection, entered on September 28, 2011, shall remain in place INDEFINITELY.

A handwritten signature in blue ink, which appears to read "H. Alexander Manuel", is written over a horizontal line.

H. Alexander Manuel
Administrative Judge