

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS

In the Matter of:

BROOKE BYRD,

Petitioner,

23-AM-0016-AG-008

780822075

June 26, 2023

RULING AND ORDER OF DISMISSAL

On or about December 13, 2022, the Secretary filed the *Secretary's Motion to Dismiss* ("Sec. Motion") in this case, seeking to dismiss this action on the grounds that the Secretary has determined that imposition of a repayment schedule at this time would cause undue financial hardship for Petitioner. *Sec. Motion*, ¶ 2. However, the Secretary reserves the right to reinstitute this action against Petitioner when, and if, the Secretary determines that Petitioner's financial circumstances warrant continued collection action. *Id.* For good cause shown, the *Secretary's Motion to Dismiss* is GRANTED. Accordingly, it is

ORDERED that Petitioner's appeal is hereby **DISMISSED**, *without prejudice*. The Stay of Referral to the U.S. Department of the Treasury previously entered in this case is hereby VACATED.

SO ORDERED,



H. ALEXANDER MANUEL
Administrative Judge

APPEAL NOTICE: You have the right to move for reconsideration of this case before the HUD Office of Hearings and Appeals within 20 days of the date of this ruling or decision. Thereafter, Petitioner may seek to reopen this case. Ordinarily, such motions will not be granted without introducing new evidence that could not have been previously presented. This decision may also be appealed to the appropriate United States District Court. For wage garnishments cases, See 24 C.F.R. § 17.81, 31 C.F.R. § 285.119f), and 5 U.S.C. 701, *et seq.* For administrative offset cases, See 24 C.F.R. § 17.73(a), and 5 U.S.C. § 701, *et seq.*