

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF THE SECRETARY**

In the Matter of:)	
)	
)	
NCR Funding, Inc.)	Case No. 13-VH-0073-AO-002
)	Claim No. 7-20707535OA
)	
Petitioner.)	January 31, 2014
)	
)	

For the Petitioner: James Brody, Esq.
American Mortgage Law Group

For the Department: Ana I. Fabregas, Esq.
Matthew C. Foreman, Esq.
U.S. Department of Housing and Urban Development

ORDER ON JURISDICTION

On January 17, 2014, counsel for Petitioner submitted an *Appeal to Secretary Regarding Decision and Order Upon Reconsideration*, appealing the December 18, 2013, *Decision and Order Upon Reconsideration* (“*Decision*”) issued by Administrative Judge (“AJ”) Vanessa L. Hall. This appeal was filed pursuant to 24 C.F.R. § 26.26. Upon review of the applicable regulatory provisions, the AJ shall issue a written decision on whether a debt is past due and legally enforceable and that decision is the final agency decision with respect to the past due status and enforceability of the debt. See 24 C.F.R. § 17.73 (a). Therefore, it appears that the *Decision* issued by the AJ on December 18, 2013, is not appealable to the Secretary.

Accordingly, pursuant to 24 C.F.R. § 24.26(f), I ORDER the parties to file additional briefs on the issue of jurisdiction. Petitioner shall file its brief on jurisdiction within fourteen (14) days of the date of this ORDER. The Agency shall file its response to Petitioner’s brief on jurisdiction within seven (7) days of the date of Petitioner’s brief. During this briefing period, the due date for the Agency’s brief in opposition is tolled pending the decision on the issue of jurisdiction. If necessary, a new due date will be set subsequent to the issuance of the decision. In addition, I find that the necessity to resolve this issue on jurisdiction provides good cause for extending the timeframe for the Secretary to issue a determination. Therefore, by this ORDER, the Secretary’s timeframe for issuing a determination on the appeal is hereby extended for an additional 60 days. This ORDER does not toll any timeframes for filing any judicial action

related to the subject appeal.

IT IS SO ORDERED.

Dated this 31st day of January, 2014



Brent Colburn
Secretarial Designee