

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

In the Matter of:

DANIEL W. CARON,

Petitioner

HUDOHA No. 13-AM-0033-AG-012

Claim No. 2400974150A

December 12, 2012

RULING AND ORDER OF DISMISSAL

On October 24, 2012, this Court ordered the parties to file documentary evidence proving whether or not the alleged debt in this case is due and owing, and legally enforceable. Notice of Docketing, Order, and Stay of Referral, dated October 24, 2012 (“Notice of Docketing”). The Secretary has since filed documentary evidence in support of his position. However, Petitioner failed to file documentary evidence on or before the December 7, 2012 deadline set forth in the Notice of Docketing. On December 5, 2012, the Secretary filed a motion to dismiss this case stating that:

[w]hile HUD maintains that Petitioner’s debt to HUD is past due and legally enforceable, Petitioner is currently receiving state Worker’s Compensation insurance benefits. Therefore, HUD is suspending its administrative wage garnishment activities at this time . . . Accordingly, HUD moves to dismiss this administrative wage garnishment proceeding without prejudice. HUD, however, reserves the right to seek collection of the subject indebtedness via other means, and will resume administrative wage garnishment activities in the future should Petitioner’s circumstances change.

Secretary’s Motion to Dismiss, dated December 5, 2012, ¶2-3.

The Court is not inclined to reach a finding on the indebtedness in this case without affording Petitioner a final opportunity to file documentary evidence on Petitioner’s behalf, and will therefore grant the Secretary’s Motion to Dismiss, without prejudice, and without reaching a finding on the debt. However, the Secretary is free, as in every case, to seek reconsideration of this Ruling and Order of Dismissal, at which time, Petitioner may be afforded a final opportunity to file documentary evidence in support of Petitioner’s case. Accordingly, and without objection, it is

ORDERED, that the Secretary's Motion to Dismiss is GRANTED. It is

FURTHER ORDERED that the Stay of Referral of this matter to the U.S. Department of the Treasury for administrative wage garnishment, entered on October 24, 2012, SHALL REMAIN IN PLACE, INDEFINITELY, OR UNTIL FURTHER ORDER OF THIS COURT. It is

FURTHER ORDRED that this case is DISMISSED, without prejudice.

SO ORDERED.



H. Alexander Manuel
Administrative Judge