

CORRECTED COPY: This Order substitutes in the correct date of September 17, 2014 as the date of the Secretary's Motion to Dismiss.

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

In the Matter of:

**Franz J. Yasko,**

Petitioner.

14-AM-0123-AG-050

HUD Claim No.: 780761190

September 19, 2014

**RULING AND ORDER OF DISMISSAL (CORRECTED)**

On September 17, 2014, the Secretary filed a motion to dismiss this case. *Secretary's Motion to Dismiss*, dated September 17, 2014. The Secretary states that:

The Secretary of the Department of Housing and Urban Development, by counsel, moves to dismiss this matter without prejudice. The Secretary has determined that Petitioner is currently unemployed, and collection of the debt via wage garnishment is not currently possible. Further, collection would create undue financial hardship at this time . . . However, the Secretary retains the right to seek garnishment of Petitioner's wages, or any other method of collection of the debt owed to the Department, should Petitioner's circumstances change in the future.

*Id.* (citation omitted). UPON CONSIDERATION, and for good cause shown, the Secretary's Motion to Dismiss is GRANTED. It is hereby

**ORDERED** that, this case is DISMISSED *without prejudice*. It is

**FURTHER ORDERED** that the Stay of Referral of this matter to the U.S. Department of the Treasury issued in this case on August 25, 2014 is hereby VACATED.

**Petitioner is hereby notified that the Secretary is free to reinstitute these proceedings in the future, if, and when Petitioner's financial circumstances warrant such action.**

SO ORDERED.



H. Alexander Manuel  
Administrative Judge