

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

In the Matter of:

Javier H. Morales,

Petitioner.

17-VH-0115-AG-061

72-1007908

August 17, 2017

ORDER OF DISMISSAL

On August 11, 2017, the Secretary, through Counsel, filed his *Statement* along with documentary evidence in support of his position. The Secretary rejected Petitioner's offer of \$12,000.00 as it was determined that it was not in the Government's best interest. In his *Statement*, the Secretary states:

Notwithstanding the foregoing and after due consideration of Petitioner's financial circumstances, the Secretary has determined that although the debt owed to HUD is past due and enforceable, garnishment of Petitioner's pay at this time would create undue financial hardship...Accordingly, a Release of Administrative Wage Garnishment was issued to Petitioner's employer on or about June 20, 2017.

Furthermore, in the *Affidavit* from the Acting Director of the Asset Recovery Division of HUD's Financial Operation's Center it states that "while the Secretary believes that this debt is past due and legally enforceable, HUD moves to dismiss without prejudice and reserve the right to seek collections by means of administrative wage garnishment should Petitioner's financial situation improve." As such, the Court deems this to be a *Motion to Dismiss* without prejudice and, upon due consideration and for good cause shown, this *Motion to Dismiss* is **GRANTED**.

HUD shall reserve the right to resume debt collection activities in the future, by means of administrative wage garnishment, should Petitioner's financial circumstances improve in the future.

The stay of referral shall remain in place until such time in the future as it is determined that Petitioner's financial circumstances have improved.

This matter of HUDOHA No. 17-VH-0115-AG-061 is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.



Vanessa L. Hall
Administrative Judge