

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

In the Matter of:

Harry Marbrey and Donna Marbrey,

Petitioners.

18-VH-0145-AG-075

721010932

April 9, 2018

ORDER GRANTING DISMISSAL

On April 6, 2018, the Secretary filed a *Motion to Dismiss* and documentary evidence seeking to dismiss, without prejudice, its action to pursue collection of the subject debt by means of administrative wage garnishment against Petitioner Donna Marbrey because

HUD has considered Petitioners' current financial situation and has determined that administrative wage garnishment of both Harry and Donna Marbrey would cause financial hardship. HUD, therefore, moves to dismiss, without prejudice, its administrative wage garnishment proceeding against Petitioner Donna Marbrey. HUD, however, reserves the right to seek administrative wage garnishment against Donna Marbrey in the future should her financial circumstances improve.

*Secretary's Statement (Sec'y. Stat.), ¶ 14, Ex. A, Declaration of Brian Dillon (Dillon Decl.),*¹ ¶ 11.

The Secretary also requests, in the *Motion to Dismiss*, to lift the stay of referral to Treasury permitting ongoing garnishment of Petitioner Harry Marbrey's wages in the amount proposed by the Secretary. The Secretary states that, "HUD reviewed Petitioner Harry Marbrey's weekly pay statement, less allowable deductions," and "Petitioners have agreed to a voluntary wage garnishment of Petitioner Harry Marbrey's wages only." More specifically, "Petitioners agree to ongoing garnishments of Petitioner Harry Marbrey's wages until Petitioners' debt to HUD is paid in full." *Sec'y. Stat., ¶¶ 14, 16; Ex. B, Note.*

Upon due consideration, and for good cause shown, the *Motion to Dismiss* regarding the claim against Petitioner Donna Marbrey is hereby **GRANTED**.

HUD shall reserve the right to resume debt collection activities in the future, by means of administrative wage garnishment or via alternative means such as administrative offset, should

¹ Brian Dillon is Director of Asset Recovery Division for the U.S. Housing and Urban Development.

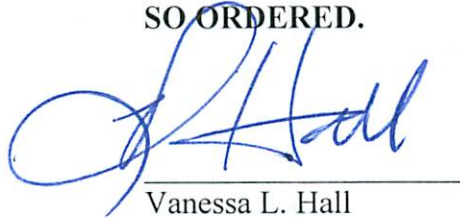
Petitioner Donna Marbrey's financial circumstances improve in the future. The stay of referral shall remain in place for Petitioner Donna Marbrey until such time in the future as it is determined that her financial circumstances have improved.

This matter of Petitioner Donna Marbrey, HUDOHA No. 18-VH-0145-AG-075 is **DISMISSED WITHOUT PREJUDICE**.

However, based on a review of the claim against Petitioner Harry Marbrey, Petitioners have agreed to ongoing garnishments of Petitioner Harry Marbrey's wages only until Petitioners' debt to HUD is paid in full in the amount proposed by the Secretary. Accordingly, the Secretary is authorized to seek collection of this outstanding obligation by means of administrative wage garnishment against Petitioner Harry Marbrey only.

The Order imposing the stay of referral of this matter to the U.S. Department of the Treasury for administrative wage garnishment is hereby **VACATED**.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'V. Hall', is written over a horizontal line.

Vanessa L. Hall
Administrative Judge