

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

In the Matter of:

Kelly Gullingsrud,

Petitioner,

19-AM-0131-AG-031

721010528

September 26, 2019

RULING AND ORDER OF DISMISSAL

On September 25, 2019, the Secretary filed the *Secretary's Motion to Dismiss*. The Secretary moves to dismiss this matter on the grounds that

the same **HUD Claim No. 721010528** was previously adjudicated before this Court as **Case No. 17-VH-0215-AG-089**. The Office of Hearings and Appeals entered a *Decision and Order* in that case [on] April 19, 2019, a copy of which is attached hereto as Exhibit 1. That Order is now final. Moreover, the Petitioner has submitted no new and/or previously unavailable documentary evidence.

Id.

Upon consideration of the Secretary's argument, and without objection, the Secretary's motion is GRANTED. It is

ORDERED that Petitioners's appeal is hereby **DISMISSED**, *with prejudice*. The Stay of Referral to the U.S. Department of the Treasury entered on June 3, 2019, is **VACATED**.

SO ORDERED,



H. ALEXANDER MANUEL
Administrative Judge

APPEAL NOTICE: You have the right to move for reconsideration of this case before the HUD Office of Hearings and Appeals within 20 days of the date of this ruling or decision; or, thereafter, to reopen this case. Ordinarily, such motions will not be granted unless you can demonstrate that you have new evidence to present that could not have been previously presented. You may also appeal this decision to the appropriate United States District Court. For wage garnishments cases, See 24 C.F.R. § 17.81, 31 C.F.R. § 285.119f), and 5 U.S.C. 701, *et seq.* For administrative offset cases, See 24 C.F.R. § 17.73(a), and 5 U.S.C. § 701, *et seq.*