

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

In the Matter of:

Kelly Gullingsrud,

Petitioner

20-VH-0100-AG-058

721010528

March 3, 2020

ORDER GRANTING DISMISSAL

NOW COMES BEFORE THE COURT on February 28, 2020 the Secretary's *Motion to Dismiss*, along with documentary evidence, seeking to dismiss the instant action because "the same HUD Claim No. 721010528 has been previously adjudicated by this Court as Case No. 17-VH-0215-AG-089 and Case No. 19-AM-0131-AG-031."

Upon further examination of the Secretary's documentary evidence and review of the Court's records, the Court has determined that the claim number associated with the subject debt has twice been adjudicated by this Court in response to two separate hearing requests previously filed by Petitioner. In response to Petitioner's previous hearing requests, the Court issued a *Decision and Order* on April 19, 2019 in Case No. 17-VH-0215-AG-089 in favor of the Secretary because of lack of evidence from Petitioner; and thereafter the Court granted the Secretary's *Motion to Dismiss*, with prejudice, on September 26, 2019 based on the Court's previous adjudication of the above-captioned matter.

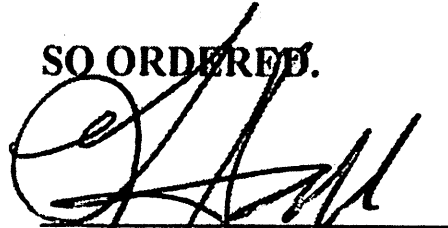
Recently, on February 18, 2020, Petitioner again filed a *Hearing Request* that once again was related to the debt associated with the claim number that had previously been adjudicated. Petitioner is reminded that she is entitled to one request to appeal upon receipt of a *Notice of Intent*. As stated in your *Notice of Intent to Initiate Administrative Wage Garnishment Proceedings (Notice of Intent)* and filed by you with this Court it states, "TO REQUEST A HEARING: You may request a hearing regarding the validity or amount of the debt...*If, however, you have already had a hearing on the issues you raise in your dispute, you will not be provided an additional hearing.*" (Emphasis added); See Notice of Intent at p. 2.

Moreover, according to 31 C.F.R. §285.11 (12), "The hearing official's decision will be the final agency action for the purposes of judicial review under the Administrative Procedure Act (5 U.S.C. 701 *et seq.*). Finally, Petitioner's submission of this third *Hearing Request* regarding the **subject debt** has not been presented to the Court with any new evidence that might have required the Court to consider this action based on newly introduced evidence. That did not happen in this case. This matter has not only been previously adjudicated, but it is duplicative and an exhaustive and repetitive use of the Court's already limited resources on a matter already resolved.

Upon due consideration, and for good cause shown, the *Motion to Dismiss* is **GRANTED**.
The stay of referral issued on February 24, 2020 by *Notice of Docketing* is hereby VACATED.

The matter of HUDOHA #20-VH-0100-AG-058 is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Vanessa L. Hall', written over a horizontal line.

Vanessa L. Hall
Administrative Judge