



**Office of Appeals**  
 U.S. Department of Housing and Urban Development  
 Washington, D.C. 20410-0001

In the Matter of:

**Michael Fugate and Tammy Fugate,**

Petitioner

HUDOA No. 10-H-CH-LL06  
 Claim Nos. 7-806931870  
 7-806931870B

Michael Fugate and Tammy Fugate  
 2134 Dawson Street  
 Indianapolis, IN 46203

Pro se

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 Urban Development  
 Office of Regional Counsel  
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 77 West Jackson Boulevard  
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For the Secretary

**RULING ON MOTION TO DISMISS**

Petitioner was notified by Due Process Notice, pursuant to 31 U.S.C. §§ 3716 and 3720A, that the Secretary of the U.S. Department of Housing and Urban Development (“HUD”) intended to seek administrative offset by the United States Department of the Treasury of any federal payments due to Petitioner to recover a claimed past-due, legally enforceable debt of Petitioner to HUD.

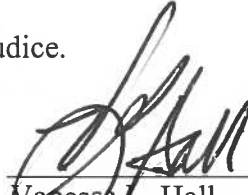
Petitioner filed a timely request to present evidence that the debt was not past-due or not legally enforceable. Pursuant to 24 C.F.R. § 17.152 and 17.153, the Administrative Judges of the HUD Office of Appeals are authorized to determine whether these debts are past due and legally enforceable. As a result of Petitioner’s request, referral of the debt to the U.S. Department of the Treasury was temporarily stayed by this Office.

On January 12, 2010, a Motion to Dismiss was filed on behalf of the Secretary advising this Office that “the parties have entered into a voluntary repayment arrangement acceptable to the Secretary.”

Upon due consideration, the Secretary's Motion to Dismiss is **GRANTED**. It is hereby

**ORDERED** that the Secretary shall not seek to collect the claimed debt of Petitioner by means of administrative offset of any federal payment due Petitioner. The stay of referral of this matter to the Department of the Treasury issued by this Office on November 19, 2009 shall remain in place indefinitely.

This matter is dismissed without prejudice.



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Vanessa L. Hall  
Administrative Judge

January 13, 2010