



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

In the Matter of:

Lucille Shelton,

Petitioner

HUDOA No. 10-H-CH-LL101
Claim No. 7-8006705103

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For Petitioner

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For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

Petitioner filed a timely request to present evidence that a past-due, legally enforceable debt of Petitioner to the U.S. Department of Housing and Urban Development ("HUD") should not be collected by the Secretary by means of administrative offset. 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 the debt that is the subject of this proceeding is past due and legally enforceable. As a result of Petitioner's hearing request, referral of the debt to the U.S. Department of the Treasury was temporarily stayed by this Office. (Notice of Docketing, Order, and Stay of Referral, dated March 24, 2010.)

On March 31, 2010, the Secretary filed a Motion to Dismiss advising this Office that **Lucille Shelton**, HUDOA #10-H-CH-LL101, Claim Number 7-80067051 **O3**, and **Lucille Robinson**, HUDOA #10-H-CH-LL28, Claim Number 7-80067051 **OB** are one in the same person. (emphasis added). Petitioner filed with this Office two separate appeals under two different names and claim numbers regarding the same debt collection

because of a claim number referenced in error. (See Attached Exh. A.) The Secretary further states that “the person identified as Ms. Robinson and Ms. Shelton has also been known as Ms. Lucille Robinson Shelton.” (Motion to Dismiss, ¶ 5.)

The Secretary now moves that the appeal “identified by the Docketing number 10-H-CH-LL101 be dismissed instanter and that all orders related to the appeal docketed under the number 10-H-CH-LL28 remain in full force and effect.” (Motion to Dismiss, p.2.)

Therefore, upon due consideration, the Secretary’s Motion to Dismiss is **GRANTED**. It is hereby

ORDERED that this matter is **DISMISSED** without prejudice.

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on March 24, 2010 shall remain in place indefinitely.

All orders and relevant documentary evidence submitted and related to the appeal docketed under the name and number Lucille Robinson, HUDOA # 10-H-CH-LL28, SHALL REMAIN IN FULL FORCE AND EFFECT.



Vanessa L. Hall
Administrative Judge

April 2, 2010