



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

In the Matter of:

Charmaine Dwyer,

Petitioner

HUDOA No. 10-H-CH-LL138
 Claim No. 7-710645050B

Charmaine Dwyer
 941 Saint Maurice Avenue
 New Orleans, LA 70117

Pro se

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 U.S. Department of Housing and
 Urban Development
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 Chicago, IL 60604

For the Secretary

RULING ON SECRETARY’S 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.

On May 17, 2010, 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 May 20, 2010.

On September 8, 2010, a Motion to Dismiss was filed on behalf of the Secretary advising this Office:

1. That, on September 7, 2010 the Secretary and Petitioner entered into a repayment plan that is acceptable to the Secretary.
2. That the terms of the repayment agreement are that Petitioner will pay to HUD the sum of \$100 per month until the debt is paid in full. (Exhibit A)
3. That the Secretary has no intention of continuing efforts to offset Petitioner's tax returns so long as she remains in compliance with her repayment agreement."

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

ORDERED that this matter is **DISMISSED WITHOUT PREJUDICE**.



Vanessa L. Hall
Administrative Judge

September 9, 2010