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

In the Matter of:

Justin W. Allen and Elizabeth L. Allen,

Petitioner

HUDOA No. 10-H-CH-LL142
Claim No. 7-807131750A

David B. Packard
Packard LaPray
87 IH-1- N. Suite 225
Beaumont, TX 77707

For Petitioner

Sara Mooney, Esq.
U.S. Department of Housing and
  Urban Development
Office of Regional Counsel
  for Midwest Field Offices
77 West Jackson Boulevard
Chicago, IL 60604

For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

Petitioner was notified by a Due of 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.
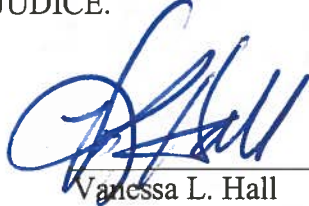
Petitioner filed a timely request to present evidence that the debt was not past-due or not legally enforceable. Pursuant to 24 C.F.R. § 17.150 et. seq. and § 20.4(b), the administrative judges of the HUD Office of Appeals are authorized to determine whether these debts are past due and legally enforceable. 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 June 4, 2010.

On June 22, 2010, a Motion to Dismiss was filed on behalf of the Secretary advising this Office that "The Petitioner's debt was discharged in Chapter 7 bankruptcy. The amount offset will be refunded, and the case has been recalled from Treasury."

Without objection, 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 is made permanent. This matter is DISMISSED WITH PREJUDICE.

Vanessa L. Hall
Administrative Judge

June 22, 2010