



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

In the Matter of:

Fred Lightsey,

Petitioner

HUDOA No. 10-H-CH-LL151
Claim No. 7-654178670A

Fred Lightsey
188 McRae Drive
Anacoco, LA 71403

Pro se

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U.S. Department of Housing and
Urban Development
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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 July 22, 2010.

On August 2, 2010, a Motion to Dismiss was filed on behalf of the Secretary advising this Office that "Petitioner had filed a Petition for Debt Relief under Chapter 7 of the United States Bankruptcy Code and his debt to the Secretary *has been lawfully discharged*. (Exhibit A)." (Emphasis added.) As support, the Secretary submitted a copy of the Order of Discharge

issued in a Chapter 7 bankruptcy proceeding by the United States Bankruptcy Court from the Western District of Louisiana. 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 is made permanent. This matter is **DISMISSED** with prejudice.

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

Vanessa L. Hall
Administrative Judge

August 10, 2010