



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

In the Matter of:

Virginia Baxter,

Petitioner

HUDOA No. 10-H-CH-LL158
Claim No. 7-803324970A

Virginia Baxter
717 Hoskins Avenue
Lufkin, TX 75901

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.

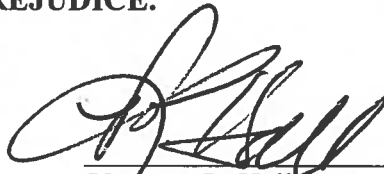
Petitioner filed a timely request to present evidence that the debt was not past-due or not legally enforceable. Pursuant to 24 C.F.R. § 17.150 et. seq. and § 20.4(b), the administrative judges of the HUD Office of Appeals are authorized to determine whether these debts are past due and legally enforceable.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

On September 8, 2010, a Motion to Dismiss was filed on behalf of the Secretary advising this Office that "the debt is not legally enforceable because the debt was discharged through Chapter 13 Bankruptcy on March 13, 2007."

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

September 8, 2010