



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

In the Matter of:

Christopher D. McGhee,

Petitioner

HUDOA No. 10-H-CH-LL87
Claim No. 7-709619580A

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For Petitioner

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For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

Petitioner was notified by a Notice of Intent that, pursuant to 31 U.S.C. § § 3716 and 3720A, the Secretary of the U.S. Department of Housing and Urban Development ("HUD") intended to seek offset by the United States Department of the Treasury of certain 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. § § 17.150-17.170 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 March 24, 2010, a Motion to Dismiss was filed on behalf of the Secretary stating that "Petitioner had filed a petition for Debt Relief pursuant to the provisions of the United States Bankruptcy Code," and that "Petitioner received a discharge on April 20, 2006."

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

ORDERED that the Secretary shall not seek to collect this debt by means of administrative offset of any Federal payments due to Petitioner because the debt is unenforceable. The stay of referral of this matter to the U.S. Department of the Treasury is made permanent.

This matter is dismissed with prejudice.



Vanessa L. Hall
Administrative Judge

March 25, 2010