



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

In the Matter of:

Elnora Mitchell,

Petitioner

HUDOA No. 10-H-CH-LL92
Claim No. 7-703547411B

Elnora Mitchell
2016 E. 14th Street, C
Clovis, NM 88101-6330

Pro se

Matthew Towey, 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 filed a timely request to present evidence that a past-due, legally enforceable debt of Petitioner to the U.S. Department of Housing and Urban Development ("HUD") should not be collected by the Secretary by means of administrative offset. 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 the debt that is the subject of this proceeding is past due and legally enforceable. As a result of Petitioner's hearing request, referral of the debt to the U.S. Department of the Treasury was temporarily stayed by this Office. (Notice of Docketing, Order, and Stay of Referral, dated March 19, 2010.)

On March 30, 2010, the Secretary filed a Motion to Dismiss advising this Office that "The Secretary has determined that the debt is not legally enforceable because the Petitioner was discharged from a no assets Chapter 7 Bankruptcy on December 23, 2002." (*Id.*)

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

ORDERED that this matter is **DISMISSED** with prejudice.

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on March 19, 2010 shall be made permanent.

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

Vanessa L. Hall
Administrative Judge

March 31, 2010