



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

In the Matter of:

**Tammy Senez (Phillips),**

Petitioner

HUDOA No. 10-H-NY-LL125  
Claim No. 7-801688340B

Tammy Senez Phillips  
962 Homberg Avenue  
Baltimore, MD 21221

Pro se

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For the Secretary

**RULING ON SECRETARY'S MOTION TO DISMISS**

Petitioner was notified by Due 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. § 17.152 and 17.153, 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 May 21, 2010, a Motion to Dismiss was filed on behalf of the Secretary advising this Office that: "On March 25, 2010, HUD's Financial Operations Center confirmed with the United States Bankruptcy Court for the District of Maryland that Petitioner's bankruptcy case no. 99-55711 is currently under review and will likely be considered discharged. Therefore, HUD seeks to dismiss action to pursue collection of the subject debt via Treasury Offset."

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**.



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Vanessa L. Hall  
Administrative Judge

May 25, 2010