



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

In the Matter of:

**Angel M. Ruiz (Pagan),**

Petitioner

HUDOA No. 10-H-NY-LL141  
Claim No. 7-649620530A

Angel M. Ruiz (Pagan)  
Calle 99 BLQ. 90 #2, VLLA. Carolina  
Carolina, PR 00985

*Pro se*

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For the Secretary

**ORDER OF DISMISSAL**

In 24 C.F.R. § 17.152(b) it provides that failure by the Petitioner to submit evidence within 65 calendar days from the date of the Department's Notice of Intent, will result in a dismissal of Petitioner's request for review by the HUD Office of Appeals.

Petitioner states "Many years have elapsed since I last heard from HUD and its Star Collector, Ms. Evelyn Osepa. So much time that I believed she had for gotten my case, probably because it had prescribed. [sic] over the time. But there [is] a new law [that] is enacted and there she appears for a second chance of collecting an old debt." (Petitioner's Letter, filed May 24, 2010.) Petitioner further states "When the government trew [sic] me out, my health and welfare was not a priority for it anymore, why should I care for old debts with it? I haven't included anymore medical evidence pursuant of HIPAA act." (Id.)

While Petitioner argues that "many years have elapsed since I heard from HUD, the collection of the debt that is the subject of this proceeding is not barred by the Statute of Limitations. The Office of Appeals, in *Angela Cortez*, HUDOA No. 09-M-CH-AWG102, has already recognized that while 31 U.S.C. [§] 3716(e)(1) previously contained a ten-year statute of limitations, the statute was amended in 2008 to eliminate limitations period. Additionally, the

Supreme Court has held that no statute of limitations exists in administrative proceedings. *B.P. America Prod. Co. v. Burton* [,] 127 S. Ct. 638 (2006).

The pertinent Federal statute applicable to collection of debts by administrative offset clearly provides that “[a]fter trying to collect a claim from a person under § 3711(a) of this title, the head of an executive . . . agency may collect the claim by administrative offset.” 31 U.S.C. § 3716(a) (2008). Furthermore, this statute provides that “[n]otwithstanding any other provision of law, regulation, or administrative limitation, no limitation on the period within which an offset may be initiated or taken pursuant to this section shall be effective.” 31 U.S.C. § 3716(e) (1) (2008). This means that there is no time limitation restricting the right of the Government to collect this debt by means of administrative offset. Therefore, consistent with statutory regulations and case law precedent, I find that the Secretary is not barred by statute of limitations from collecting the alleged debt by means of administrative offset.

Petitioner was ordered on three occasions to submit documentary evidence that would otherwise render the alleged debt unenforceable against Petitioner, but Petitioner failed to comply with any of the Orders issued by this Office. (Notice of Docketing, Order, and Stay of Referral, dated May 27, 2010; Order, dated July 29, 2010; Order to Show Cause, dated August 24, 2010.) Rule 26.3 of Title 24 of the Code of Federal Regulations provides:

If a party refuses or fails to comply with an Order of the hearing officer, the hearing officer may enter any appropriate order necessary to the disposition of the hearing including a *determination against a noncomplying party*. (Emphasis added).

Accordingly, because Petitioner has also failed to comply with any of the Orders issued by this Office, I find that Petitioner’s non-compliance to the Orders issued by this Office provides a basis for rendering a decision against Petitioner pursuant to Rule 26.3 of Title 24 of the Code of Federal Regulations.

Upon due consideration of Petitioner’s failure to comply with 24 C.F.R. § 17.152(b) and Rule 26.3 of Title 24 of the Code of Federal Regulations, Petitioner’s appeal is **DISMISSED** *sua sponte*.

**ORDERED** that this matter be **DISMISSED WITH PREJUDICE**.



Vanessa L. Hall  
Administrative Judge

September 8, 2010