



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

In the Matter of:

David Gary Manderson,

Petitioner

HUDOA No. 10-H-NY-LL80
Claim No. 7-705745200A

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For Petitioner

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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 10, 2010.)

On May 4, 2010, the Secretary filed a Motion to Dismiss Without Prejudice advising this Office that "On April 27, 2010, Petitioner's attorney acting on behalf of Petitioner as conservator entered into a voluntary repayment plan with HUD's Albany Financial Operations Center, Asset Recovery Division. Petitioner's attorney agreed to pay \$500.00 a month until the debt plus interest is paid in full." Therefore, upon due consideration, the Secretary's Motion to Dismiss is **GRANTED**. It is hereby

ORDERED that this matter is **DISMISSED** without prejudice.

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on March 10, 2010 shall remain in place indefinitely.



Vanessa L. Hall
Administrative Judge

May 6, 2010