



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

In the Matter of:

Olene Samuels aka Clarice O. Samuels,

Petitioner

HUDOA No. 10-H-NY-LL95
Claim No. 7-801961160B

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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 Due of 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. § 17.150 et. seq. 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 23, 2010.

On July 13, 2010, a Motion to Dismiss was filed on behalf of the Secretary advising this Office that "HUD has ceased all collection efforts as Petitioner filed Chapter 7 bankruptcy in the United States Bankruptcy Court for the Middle District of North Carolina under case number 10-50877 on May 11, 2010. Petitioner is therefore currently protected under the Stay imposed by the Bankruptcy Court."

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 as Petitioner is currently protected under the Stay imposed by the Bankruptcy Court.

The stay of referral of this matter to the Department of the Treasury is made permanent. This matter is **DISMISSED WITHOUT PREJUDICE**.



Vanessa L. Hall
Administrative Judge

July 14, 2010