



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

In the Matter of:

Christopher Grafton,

Petitioner

HUDOA No. 11-H-CH-LL08
Claim No. 7-210015770A

Christopher Grafton
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Pro se

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For the Secretary

RULING ON SECRETARY'S MOTION TO DISMISS

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 the debt is 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. (Notice of Docketing, Order, and Stay of Referral, dated December 29, 2010.)

On April 6, 2011, a Motion to Dismiss was filed on behalf of the Secretary advising this Office that "The initial Secretary's Motion to Dismiss with Prejudice was filed January 26, 2011. Unfortunately, the pleading was incorrectly docketed as an Administrative Wage Garnishment; however, the Secretary's original position regarding the issue remains the same." The Secretary further states that he, "moves to correct the docketing number and dismiss this matter pursuant to 24 C.F.R. Sec. 17.106(b) (2010) because the Petitioner has paid the debt in full."

Therefore, 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. It is hereby

FURTHER ORDERED that the Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on December 29, 2010 is **VACATED**.

This matter is **DISMISSED WITH PREJUDICE**.

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

Vanessa L. Hall
Administrative Judge

April 8, 2011