



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

In the Matter of:

Connell J. Smith,

Petitioner

HUDOA No. 11-H-CH-LL36
Claim No. 7-807172750A

Richard C. Foote, Esq.
Ohio Savings Building
20133 Farnsleigh Road
Shaker Heights, OH 44122

For Petitioner

Amy Jo Conroy, Esq.
U.S. Department of Housing and
Urban Development
Office of Regional Counsel
For Midwest Field Offices
77 West Jackson Boulevard
Chicago, IL 60604

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. § 17.150 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 June 2, 2011.

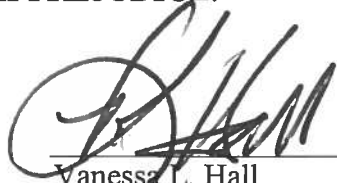
On June 17, 2011, a Motion to Dismiss was filed on behalf of the Secretary advising this Office that "The Petitioner's debt was discharged in Chapter 7 bankruptcy."

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 because Petitioner's debt has been discharged by bankruptcy.

The stay of referral of this matter to the Department of the Treasury is hereby made permanent.

This matter is **DISMISSED WITH PREJUDICE**.



Vanessa L. Hall
Administrative Judge

June 21, 2011