



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

In the Matter of:

Jay Stephens,

Petitioner

HUDOA No. 11-H-NY-LL51
Claim No. 7-803926240A

Jay Stephens
6525 N Glen Drive
Cumming, GA 30028-4880

Pro se

Julia Murray, Esq.
US Department of Housing and
Urban Development
Office of Assistant General Counsel
for New York/New Jersey Field Offices
26 Federal Plaza, Room 3237
New York, NY 10278

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 September 14, 2011.

On September 21, 2011, a Motion to Dismiss was filed on behalf of the Secretary advising this Office that "HUD is dismissing its action to pursue collection of the subject debt via Treasury Offset as Petitioner filed Chapter 7 bankruptcy in the United States Bankruptcy Court for the Central District of Illinois under case number 01-71575 on April 19, 2001. Petitioner's bankruptcy case was discharged on July 23, 2001." (*See also* Declaration of Brian Dillon – Exhibit A.)

Therefore, upon due consideration, 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 Department of the Treasury is made permanent.

This matter is **DISMISSED WITH PREJUDICE**.



Vanessa L. Hall
Administrative Judge

September 29, 2011