



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

In the Matter of:

**Brenda T. Green**

**Homer Green,**

Petitioner

HUDOA No. 11-H-NY-LL53

Claim No. 7-801814490A

HUDOA No. 11-H-NY-LL54

Claim No. 7-801814490B

Brenda T. and Homer Green  
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*Pro se*

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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 September 14, 2011.

On December 19, 2011, a Motion to Dismiss was filed on behalf of the Secretary advising this Office that [t]he Secretary is dismissing his action to pursue administrative offset

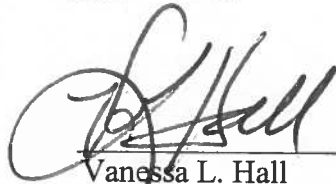
because "HUD's debt was treated as an unsecured claim and was subsequently discharged as part of Petitioners' Chapter 13 bankruptcy proceeding. Petitioners filed for bankruptcy in the United States Bankruptcy Court for the Northern District of Alabama under case number 99-40282 on January 29, 1999 and were discharged on January 5, 2005. (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**.



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Vanessa L. Hall  
Administrative Judge

December 29, 2011