



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

In the Matter of:

**KEISHA PERRY MALLARD,**

Petitioner

HUDOA No. 11-M-NY-LL09  
Claim No. 7-806844260A

Keisha Perry Mallard  
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Tuscaloosa, AL 35401

*Pro Se*

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For the Secretary

**DECISION AND ORDER**

Petitioner was notified that, pursuant to 31 U.S.C. §§ 3716 and 3720A, the Secretary of the U.S. Department of Housing and Urban Development ("HUD") intended to seek administrative offset of any federal payments due to Petitioner in satisfaction of a delinquent and legally enforceable debt allegedly owed to HUD.

On January 3, 2011, Petitioner filed a request for a hearing concerning the existence, amount or enforceability of the debt allegedly owed to HUD. The administrative judges of this Office have been designated to conduct a hearing to determine whether the debt allegedly owed to HUD is legally enforceable. 24 C.F.R. §§ 17.152 and 17.153. As a result of Petitioner's hearing request, referral of the debt to the U.S. Department of the Treasury for administrative offset was temporarily stayed by this Office on January 7, 2011.

### Discussion

Petitioner does not deny the existence or delinquency of the debt that is the subject of this proceeding, but Petitioner contends that the alleged debt is unenforceable because Petitioner “request[s] leniency and sufficient waivers regarding this debt.” (Petitioner’s Request for Hearing, filed January 3, 2011.) Petitioner states that, “My mother asked me to get the trailer and said she would have her boyfriend help make the payments. I rejected the idea to buy... but the manufactured home lender gave me a script to repeat in a phone call to get me approved.” (*Id.*) Petitioner also states, “They also gave me a check and asked me to give them a check... to justify my purchase of a new trailer.” (*Id.*) Petitioner further stated, “I am not financially able to make sufficient payment of this debt. Also, if I did attempt to make payments, I could send no more than \$20.00 monthly and that would be a stretch.” (*Id.*)

On two separate occasions, this Office ordered Petitioner to file documentary evidence to prove that the debt in this case is not enforceable or not past due. (Notice of Docketing, Order and Stay of Referral, dated January 7, 2011; Order, dated March 15, 2011.) The March 15<sup>th</sup> Order stated, “Failure to comply with this Order may result in a decision based upon the documents in the record of this proceeding.” Petitioner failed to respond to both Orders.

Petitioner has, therefore, not met her burden to prove that the debt in this case is not past due or legally enforceable. In the absence of documentary evidence to support Petitioner’s position, I find the debt that is the subject of this proceeding to be legally enforceable against Petitioner as set forth in the Notice of Intent to Collect by Treasury Offset.

### ORDER

For the reasons set forth above, I find the debt that is the subject of this proceeding to be legally enforceable against Petitioner in the amount claimed by the Secretary. The Order imposing the stay of referral of this matter to the U.S. Department of the Treasury for administrative offset is **VACATED**. It is

**ORDERED** that the Secretary is authorized to refer this matter to the U.S. Department of the Treasury for administrative offset of any federal payment due Petitioner.



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H. Alexander Manuel  
Administrative Judge

June 21, 2011