



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

In the Matter of:

**MISTY WHITAKER,**

Petitioner

HUDOA No. 11-M-NY-LL60  
Claim No. 780724412

**RULING AND ORDER OF DISMISSAL**

On November 4, 2011, the Secretary filed a motion to lift stay of referral (“Secy’s Lift Stay”). The Secretary argues that the stay of referral of this debt to the U.S. Department of the Treasury imposed by the Court on September 28, 2011, and continued on October 26, 2011, should be lifted because “Petitioner did not request a hearing in response to the Secretary’s proposed administrative offset proceeding.” Secy’s Lift Stay ¶5. On November 23, 2011, this Court ruled that the Secy’s Lift Stay was to be held in abeyance, and ordered Petitioner to file her response to the Secy’s Lift Stay on or before December 19, 2011. Petitioner failed to file her response in accordance with the November 23, 2011 Order.

On December 2, 2011, the Secretary filed a certification attesting to the fact that Petitioner also failed to file the requisite Request for Hearing in response to the Notice of Intent to Collect by Treasury Offset (“Notice of Intent”), served upon her on January 31, 2011, within the 65 day period allowed under the regulation. Secretary’s Certification, filed December 2, 2011, ¶4.

Upon consideration of Petitioner’s failure to respond to the Notice of Intent, and her failure to respond to this Court’s Order of November 23, 2011, the Secretary’s Motion to Lift Stay of Referral is GRANTED. It is

**ORDERED** that the Stay of Referral of the alleged debt in this case to the U.S. Department of the Treasury that was imposed on September 28, 2011, and continued on October 26, 2011, is VACATED, and Petitioner’s Request for Hearing in this administrative offset proceeding is DISMISSED, with prejudice.

H. Alexander Manuel  
Administrative Judge

January 11, 2012