

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS
WASHINGTON, D.C. 20410

In the Matter of:

Richard Boyd,

Petitioner.

Case No. 12-H-CH-PP33

Claim No. 7-210073030A

May 4, 2012

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. § 17.61¹ 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 March 14, 2012.

On April 26, 2012, the Secretary filed a Motion to Dismiss in which the Secretary stated that "Petitioner has entered into a settlement agreement with HUD," and that "[u]pon successful completion of the terms of the settlement, HUD will release Petitioner from liability for this claim." (*See also* Declaration of Brian Dillon at ¶ 3- Exhibit A).

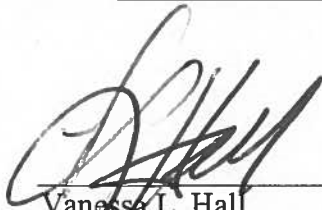
Upon due consideration, the Secretary's Motion to Dismiss is **GRANTED**. The Secretary is granted leave to pursue this matter in the future, if Petitioner fails to comply with the terms of the settlement agreement. It is hereby

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.

¹ It should be noted, for future purposes, that Title 24 of the Code of Federal Regulations, §§ 17.150- 17.161 regarding the Department's procedures for requesting the Department of the Treasury to offset Federal payments was amended, effective December 7, 2011.

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Court on March 14, 2012 shall remain in place indefinitely. It is hereby

FURTHER ORDERED that this matter be **DISMISSED WITHOUT PREJUDICE.**



Vanessa L. Hall
Administrative Judge