

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

In the Matter of:

**Gerald Lawson,**

Petitioner

HUDOA No. 12-H-NY-PP21

Claim No. 7-801886420A

May 9, 2012

**RULING ON SECRETARY'S MOTION TO DISMISS**

Petitioner was notified by a 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.

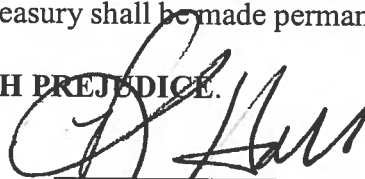
Petitioner filed a timely request to present evidence that the debt was not past-due or not legally enforceable. Pursuant to 24 C.F.R. § 17.61 et. seq. and § 20.4(b), the administrative judges of the HUD Office of Appeals are authorized to determine whether these debts are past due and legally enforceable. As a result of Petitioner's request, referral of the debt to the U.S. Department of the Treasury was temporarily stayed by this Court on January 26, 2012.

On May 7, 2012, a Motion to Dismiss was filed on behalf of the Secretary advising this Court that "Petitioner had filed a Chapter 13 bankruptcy proceeding in the United States Bankruptcy Court for the District of Delaware on August 18, 1999 under case number 99-02871 and was discharged on February 27, 2003." (*See also* Motion to Dismiss, Ex. A, ¶ 3.)

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, and that the stay of referral of this matter to the Department of the Treasury shall be made permanent.

This matter is **DISMISSED WITH PREJUDICE**.



Vanessa L. Hall  
Administrative Judge