

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS

In the Matter of:

Sandra Colville Snow,

Petitioner

HUDOA No. 12-H-NY-PP35
Claim No. 7-210073760B

June 22, 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. § 17.61 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 March 19, 2012.

On June 22, 2012, a Motion to Dismiss was filed on behalf of the Secretary advising this Court that "Based on Petitioner's current circumstances, HUD is suspending its debt collection activities at this time. Therefore, HUD moves to dismiss this Administrative Offset proceeding without prejudice." (See Motion to Dismiss, Ex. A, ¶ 3.) The Secretary also "reserves the right to seek collection of the subject indebtedness in the future should Petitioner's circumstances improve." (*Id.*)

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 Secretary shall maintain the right to seek collection of the alleged debt should Petitioner's circumstances improve in the future. It is hereby

FURTHER ORDERED that the stay of referral of this matter to the Department of the Treasury shall remain in place indefinitely.

This matter is **DISMISSED WITHOUT PREJUDICE.**

/s/ original

Vanessa L. Hall

Administrative Judge