

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

In the Matter of:

Brian Stone

Petitioner.

21-AM-0256-AO-039

7-210180660A

May 11, 2022

RULING AND ORDER OF DISMISSAL

On September 21, 2021, Petitioner was ordered to file "documentary evidence which will prove that all or part of the alleged debt is either unenforceable or not past due." *Notice of Docketing, Order, and Stay of Referral*. Petitioner filed the *Petitioner's Statement* on or about October 7, 2021, consisting of a narrative as to why Petitioner believes that AXOS Bank is responsible for repayment of the debt in this case. However, Petitioner provided no documentary evidence to prove that he does not owe the debt, and instead states: "AS I STATED EARLIER. [sic] I DO NOT DISPUTE MONEY OWED HAVING BEEN REMINDED, BUT I AM IN NO POSITION TO PAY OR HAVE FUNDS DEDUCED [sic] FROM MY WAGES AT THIS TIME." *Id.* *Petitioner's Statement* is found to be candid and conciliatory. However, the Court has no jurisdiction to compel the Secretary to enter into any proposed repayment agreement. The terms and conditions of any such agreement rest solely with the Secretary. Finding that Petitioner has not come forward with documentary evidence to prove that Petitioner is not indebted to the Department in the amounts claimed by the Secretary, it is

ORDERED that Petitioner's appeal is hereby **DISMISSED**, *sua sponte*, and *without prejudice*. The Stay of Referral to the U.S. Department of the Treasury entered on September 21, 2021, is hereby VACATED.

SO ORDERED,



H. ALEXANDER MANUEL
Administrative Judge

APPEAL NOTICE: You have the right to move for reconsideration of this case before the HUD Office of Hearings and Appeals within 20 days of the date of this ruling or decision; or, thereafter, to reopen this case. Ordinarily, such motions will not be granted unless you can demonstrate that you have new evidence to present that could not have been previously presented. You may also appeal this decision to the appropriate United States District Court. For wage garnishments cases, See 24 C.F.R. § 17.81, 31 C.F.R. § 285.119f, and 5 U.S.C. 701, *et seq.* For administrative offset cases, See 24 C.F.R. § 17.73(a), and 5 U.S.C. § 701, *et seq.*