

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

In the Matter of:

**BRIAN S. MCDANIEL**

Petitioner.

Case No. 14-AM-0083-AO-006

Claim No. 780757339

August 26, 2014

**RULING AND ORDER OF DISMISSAL**

On August 22, 2014, the Secretary filed a motion to dismiss this case. *Secretary's Motion to Dismiss*, dated August 22, 2014. The Secretary states that:

HUD paid a claim for insurance benefits submitted by Vanderbilt Mortgage and Finance, Inc. ("Vanderbilt") pursuant to Title I of the National Housing Act, 12 U.S.C. §1703, and in return Vanderbilt assigned the note evidencing Petitioner's indebtedness to HUD, so that HUD could collect the outstanding indebtedness directly from Petitioner . . . In light of the documentation submitted by Petitioner in this proceeding, Vanderbilt has agreed to repurchase the note evidencing the debt from HUD . . . HUD will, therefore, issue a refund to Petitioner of the funds collected by HUD in the amount of \$4,091.00. (See Declaration of Brian Dillon – Exhibit A).

*Secretary's Motion to Dismiss*, ¶¶ 2-4.

UPON CONSIDERATION of the Secretary's Motion to Dismiss, and without objection, the Secretary's Motion to Dismiss is GRANTED. It is

**ORDERED** that this case is DISMISSED *with prejudice*, and the stay of referral of this matter to the U.S. Department of the Treasury, previously issued on April 29, 2014, is hereby VACATED. It is

**FURTHER ORDERED** that THE SECRETARY SHALL ISSUE, forthwith, a refund to Petitioner in the amount of \$4,091.00.

**SO ORDERED.**



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H. Alexander Manuel  
Administrative Judge