

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

In the Matter of:

**Hugh E. Foster,**

Petitioner.

15-AM-0086-AO-020

7807742010A

October 26, 2017


**RULING AND ORDER OF DISMISSAL**

The Court recognizes that Petitioner is approximately 85 years old, deaf, suffers from certain mental disabilities, and resides in a nursing home. Regrettably, he also lost his wife on February 2, 2015. In the special circumstances of this case, the Court has been more than considerate in granting numerous extensions of time for Petitioner to prove that he is not indebted to the Department in the amounts claimed by the Secretary. Although Counsel for Petitioner has raised issues related to Petitioner's filing of a bankruptcy petition in the U.S. District Court for the Southern District of Indiana, and insundry issues surrounding the foreclosure and sale of Petitioner's home, there remains no genuine dispute as to any material fact in this case. Indeed, Petitioner has stated that he "does not dispute a debt is owed with regard to the above-referenced matter[.]" *Petitioner's Statement*, June 23, 2016, ¶6. Rather, Petitioner requests that, due to his "age, disability, and present circumstances, a hardship be found and the outstanding balance owed with respect to the above-referenced matter be waived and the matter dismissed." *Id.*, ¶7.

On July 6, 2017, the Court issued a *Ruling and Final Order for Documentary Evidence*, ordering Petitioner to file documentary evidence to prove that he is not indebted to the Secretary in the amounts claimed by the Secretary. Petitioner did not respond to that *Order*, and, in any event, has acknowledged his liability in this case. Petitioner is advised that this Court is without jurisdiction to adjudicate hardship circumstances or to waive the Secretary's claim in administrative offset cases. Accordingly, on the Court's own motion, Petitioner's appeal in this case is DISMISSED, *sua sponte*. It is

**ORDERED** that the Stay of Referral of this matter to the U.S. Department of the Treasury for collection, entered by the Court on June 29, 2015 is hereby VACATED.

**SO ORDERED,**



H. Alexander Manuel  
Administrative Judge