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In the Matter of: :  
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 **Wayne R. Cross,** : HUDBCA No. 04-K-NY-EE007  
 : Claim No. 7804748440A  
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 Petitioner :  
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**DECISION AND ORDER ON REQUEST FOR RECONSIDERATION**

Petitioner has filed a timely motion for reconsideration of this Board’s Decision and Order in the matter of Wayne R. Cross, HUDBCA No. 04-K-NY-EE007 (March 10, 2004) which found that the debt claimed by the Secretary was past due and enforceable. Petitioner’s motion for reconsideration asserts that the “Board erred in finding that 31 U.S.C. 3716(e)(2) and FS 222.21(2)(a) does not afford [Petitioner] protection against Administrative Offset....” (Petitioner’s Motion at 1-2). This Board has repeatedly held that:

Reconsideration is discretionary with the Board and will not be granted in absence of compelling reasons, e.g., newly discovered material evidence or clear error of fact or law. See Paul Dolman, HUDBCA No. 99-A-NY-Y41 (November 4, 1999); Anthony Mesker, HUDBCA No. 94-C-CH-S379 (May 10, 1995); William G. Grammer, HUDBCA No. 88-3092-H607 (March 7, 1988); 24 C.F.R.

§ 17.152(d). It is not the purpose of reconsideration to afford a party the opportunity to reassert contentions that have been fully considered and determined by the Board. See Seyedahma Mirhosseini (Mr./Mrs.), HUDBCA No. 95-A-SE-S615 (January 13, 1995); Paul Doman, supra.; Charles Waltman, HUDBCA No. 97-A-NY-W196 (September, 21, 1999). Louisiana Housing Finance Agency, HUDBCA No. 02-D-CH-CC006 (March 1, 2004) at 1.

The Board reaffirms its decision. Petitioner's motion for reconsideration offered no new evidence to support a contrary finding. The Board's decision analyzed Petitioner's argument regarding FLA. STAT. CH. 222.21 (2003) and whether it protected from administrative offset his Social Security payments and retirement benefits from the U.S. Postal Service and U.S. Army. Petitioner's motion has only reiterated legal arguments raised in earlier submissions to the Board. Accordingly, the Board will not readdress those matters already decided.

### **ORDER**

For the foregoing reasons, I find that the debt is past due and legally enforceable against Petitioner in the amount claimed by the Secretary. The Decision and Order issued in this matter on March 10, 2004 is, upon due consideration, **AFFIRMED**.

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H. Chuck Kullberg  
Administrative Judge

March 10, 2004