



Office of Appeals
 U.S. Department of Housing and Urban Development
 Washington, D.C. 20410-0001

In the Matter of:

Heidi Jacobs,

Petitioner

HUDOA No. 10-H-CH-AWG44
 Claim No. 780712219

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For Petitioner

James Webster, Esq.
 US Department of Housing and
 Urban Development
 Office of Assistant General Counsel
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For the Secretary

RULING AND ORDER OF DISMISSAL

Petitioner filed a timely request to present evidence that an alleged past-due, legally enforceable debt of Petitioner to the U.S. Department of Housing and Urban Development (“HUD”) should not be collected by the Secretary by means of administrative wage garnishment. Pursuant to 24 C.F.R. §§ 17.170, 20.4(b), and 31 C.F.R. § 285.11(f), the administrative judges of the HUD Office of Appeals are authorized to determine whether certain debts exist and are legally enforceable and whether they can be collected by means of administrative wage garnishment. As a result of Petitioner’s request, referral of the debt to the U.S. Department of the Treasury was temporarily stayed by this Office on January 29, 2010. (Notice of Docketing, Order, and Stay of Referral.)

On February 8, 2010, a Motion to Dismiss (“Sec’y Mot. to Dismiss”) was filed by the Secretary in which the Secretary admitted that “neither the Secretary nor the United States Department of the Treasury has issued a Notice of Intent to Petitioner.” The Secretary further stated that “Petitioner’s appeal was made to the Office of Appeals during routine collection negotiations and not pursuant to the Notice of Intent.” (Sec’y Mot. to Dismiss.)

Upon due consideration, the Secretary’s Motion to Dismiss is **GRANTED**. It is hereby

ORDERED that the Secretary shall not seek collection of this outstanding obligation by means of administrative wage garnishment because no Notice of Intent to Initiate Administrative Wage Garnishment Proceedings ("Notice of Intent") was issued to Petitioner.

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on January 29, 2010 is **VACATED** since the U.S. Department of Housing and Urban Development did not refer this matter to the U.S. Department of the Treasury for issuance of an administrative wage garnishment order pursuant to 31 C.F.R. § 285.11(f)(4). It is

FURTHER ORDERED that upon Petitioner's receipt of a Notice of Intent, Petitioner shall at that time file a request for a hearing in accordance with 31 C.F.R. § 285.11(e)(2) and (4). This Office may only hear Petitioner's case regarding the issues Petitioner has raised if a hearing is requested in response to a Notice of Intent to Initiate Administrative Wage Garnishment Proceedings. See 31.C.F.R. § 285.11(e)(2) and (4).

This matter is **DISMISSED** without prejudice.



Vanessa L. Hall
Administrative Judge

February 19, 2010