



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

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In the Matter of:

**Linda Kucharski,**  
Petitioner

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: HUDOA No. 11-H-CH-AWG80  
: Claim No. 780723208

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Linda Kucharski  
1167 Hugh Court  
Reese, MI 48757

Pro se

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Urban Development  
Office of Assistant General Counsel  
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77 West Jackson Boulevard  
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For the Secretary

**RULING ON SECRETARY'S MOTION TO DISMISS**

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 April 7, 2011. (Notice of Docketing, Order, and Stay of Referral, dated April 7, 2011.)

On April 20, 2011, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that "on April 18, 2011, the Secretary's counsel was notified that Petitioner had filed for Debt Relief under Chapter 13 of the United States Bankruptcy

Code,” and that “the automatic stay imposed by the bankruptcy court prohibiting the collection of debts is in effect.”

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on April 7, 2011 shall remain in place indefinitely.

Upon due consideration the Secretary’s motion is **GRANTED**. It is hereby

**ORDERED** that this matter is **DISMISSED WITHOUT PREJUDICE**.

A handwritten signature in black ink, appearing to read 'V. Hall', written over a horizontal line.

Vanessa L. Hall  
Administrative Judge

April 21, 2011