



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

In the Matter of:

Samuel Schlup,
Petitioner

HUDOA No. 11-H-CH-AWG08
Claim No. 721006216

Samuel Schlup
322 Ike Road
Waxahachie, TX 75165

Pro se

Matthew J. Towey, Esq.
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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 October 21, 2010. (Notice of Docketing, Order, and Stay of Referral, dated October 21, 2010.)

On November 17, 2010, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that he "has subsequently accepted the Petitioner's offer to pay \$100.00 per bi-weekly pay period," and that "HUD issued a Modified Wage Garnishment Order to the U.S. Department of Treasury on November 2, 2010."

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

ORDERED that the Secretary is not authorized to seek collection of this outstanding obligation by means of administrative wage garnishment because the Government has agreed to accept Petitioner's repayment terms of \$100.00 per bi-weekly pay period.

The Order imposing the stay of referral of this matter to the U.S. Department of the Treasury for administrative wage garnishment is **VACATED**.

This matter is **DISMISSED WITHOUT PREJUDICE**.

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

Vanessa L. Hall
Administrative Judge

November 19, 2010