

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

In the Matter of:

Daniel Oliver,
Petitioner

HUDOA No. 11-H-NY-AWG145
Claim No. 770873658
Date: April 12, 2012

RULING ON SECRETARY'S MOTION TO DISMISS

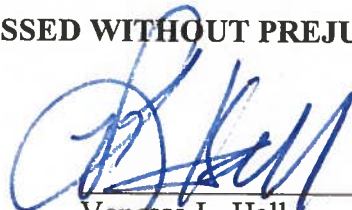
Petitioner filed a timely request to present evidence that an alleged past-due, legally enforceable debt of Petitioner to the U.S. Department of Housing and Urban Development ("HUD") should not be collected by the Secretary by means of administrative wage garnishment.

Pursuant to 24 C.F.R. §§ 17.81(b), 20.4(b), and 31 C.F.R. § 285.11(f), the administrative judges of the HUD Office of Hearings and 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 September 20, 2011. (Notice of Docketing, Order, and Stay of Referral, dated September 20, 2011.)

On April 3, 2012 a Motion to Dismiss was filed by the Secretary in which the Secretary stated that "HUD's Financial Operations Center has reviewed the opinion of Certified Forensic Handwriting and Document Examiner, Arthur T. Anthony. Mr. Anthony's review concluded that the Petitioner, Daniel Oliver, did not sign his name to the Transfer of Equity and Assumption Agreement that HUD seeks to enforce. HUD will not contest Petitioner's allegation of forgery." (*See also* Supplemental Declaration of Brian Dillon, ¶ 3.) Further, the Secretary states that he "is dismissing its action to pursue Administrative Wage Garnishment action against Petitioner, and will cease collection of this debt from Petitioner," and that "HUD will issue a refund to Petitioner in the amount of \$5,043.07, which is the total of all payments previously received from Petitioner." (*Id.*)

Upon due consideration the Secretary's motion is **GRANTED**. The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on September 20, 2011 shall remain in place indefinitely. Therefore, it is hereby

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



Vanessa L. Hall
Administrative Judge