



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

In the Matter of:

**Eric J. Klatzke,**

Petitioner

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HUDOA No. 11-H-NY-AWG36  
Claim No. 780719594

Eric J. Klatzke  
27 Jefferson Davis Place  
Erlanger, KY 41018

Pro se

Julia M. Murray, Esq.  
U.S. Department of Housing and  
Urban Development  
Office of the Regional Counsel  
for New York/New Jersey  
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For the Secretary

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

On December 20, 2010, 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 December 22, 2010. (Notice of Docketing, Order, and Stay of Referral, dated December 22, 2010.)

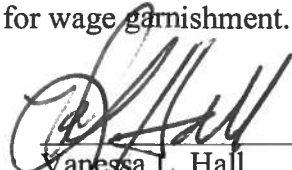
On January 14, 2011, a Motion to Dismiss was filed by the Secretary in which the Secretary stated that “HUD is dismissing without prejudice its action to pursue Administrative Wage Garnishment as additional garnishment beyond Petitioner’s current

withholding Order with priority would exceed the maximum allowable under the statute.”  
(Motion to Dismiss, Ex. A, Attach., Declaration of Brian Dillon.)

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

**ORDERED** that the Secretary shall not seek to collect the claimed debt of  
Petitioner by means of administrative wage garnishment because Petitioner’s wages are  
already being garnished.

This matter is **DISMISSED WITHOUT PREJUDICE** to renew the application  
at such time as Petitioner should become eligible for wage garnishment.

  
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Vanessa L. Hall  
Administrative Judge

January 21, 2011