



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

In the Matter of:

**Jose Ortiz,**

Petitioner

HUDOA No. 11-H-NY-AWG58  
 Claim No. 721000820

Jose Ortiz  
 2241 S. Sherman Circle  
 Apt. 303 C  
 Miramar, FL 33025

*Pro se*

For the Secretary

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 U.S. Department of Housing and  
 Urban Development  
 Office of Assistant General Counsel  
 for New York/New Jersey Field Offices  
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**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 March 1, 2011. (Notice of Docketing, Order, and Stay of Referral, dated March 1, 2011.)

On March 18, 2011, a Motion to Dismiss was filed by the Secretary which the Secretary stated that “Petitioner has paid the debt in full.” The Secretary further stated that “since payment has not officially cleared, it is requested that this matter be dismissed without prejudice.”

The Stay of Referral of this matter to the U.S. Department of the Treasury issued by this Office on March 1, 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**.



Vanessa L. Hall  
Administrative Judge

March 29, 2011