

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

In the r. Matter of:

**David Marsh,**

Petitioner,

20-AM-0284-AG-179

721015853

December 16, 2020

**RULING AND ORDER OF DISMISSAL**

On September 16, 2020, Petitioner was ordered to file documentary evidence, on or before October 30, 2020, in support of his position in this case. *Notice of Docketing, Order, and Stay of Referral*, dated September 16, 2020. Petitioner failed to comply with the September 16, 2020 *Order*. The Court notes for the record, that the Secretary indicates an intent to reduce the monthly garnishment amount to 10% of Petitioner's disposable pay rather than the 15% allowable ceiling, notwithstanding Petitioner's failure to produce specific proof of payment of necessary household expenses. Upon consideration, it is

**ORDERED** that Petitioner's appeal is hereby **DISMISSED**, *sua sponte*, and *without prejudice*. It is

**FURTHER ORDERED** that the *Stay of Referral* of this matter to the U.S. Department of the Treasury, previously entered in this case on or about September 4, 2020, is hereby **VACATED**.

**SO ORDERED,**



H. Alexander Manuel  
Administrative Judge

**APPEAL NOTICE:** You have the right to move for reconsideration of this case before the HUD Office of Hearings and Appeals within 20 days of the date of this ruling or decision; or, thereafter, to reopen this case. Ordinarily, such motions will not be granted unless you can demonstrate that you have new evidence to present that could not have been previously presented. You may also appeal this decision to the appropriate United States District Court. For wage garnishments cases, See 24 C.F.R. § 17.81, 31 C.F.R. § 285.119f), and 5 U.S.C. 701, *et seq.* For administrative offset cases, See 24 C.F.R. § 17.73(a), and 5 U.S.C. § 701, *et seq.*