

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

In the Matter of:

MICHELLE LUBESKI,

Petitioner,

23-AM-0112-AG-060

Claim No. 721019517

July 18, 2023

RULING AND ORDER OF DISMISSAL

On or about July 18, 2023, the Secretary filed the *Secretary's Motion to Dismiss* Petitioner's appeal on the grounds that the Secretary has determined that imposition of a proposed repayment schedule at this time would result in undue financial hardship for Petitioner. However, the Secretary reserves the right to reimpose this administrative wage garnishment action in the future when the Secretary determines that it is appropriate to do so. *Secretary's Motion to Dismiss*, ¶ 2. For good cause shown, the *Secretary's Motion to Dismiss* is GRANTED. It is

ORDERED that Petitioner's appeal is hereby **DISMISSED**, *without prejudice*. The Stay of Referral to the U.S. Department of the Treasury previously entered in this case, 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.*