

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

In the Matter of:

**Carolyn J. Waldroup,**

Petitioner.

19-VH-0167-AG-039

5499385

October 21, 2020

**ORDER OF DISMISSAL**


24 C.F.R. § 26.4 (c) provides that “If a party refuses or fails to comply with an order of the hearing officer, including an order compelling discovery, the hearing officer may enter any appropriate order necessary to the disposition of the hearing *including a determination against the noncomplying party...*” Further, under 24 C.F.R. § 26.4 (d), it provides, “If a party fails to prosecute *or defend an action brought under subpart A of this part, the hearing officer may dismiss the action* or may issue an initial decision against the non-prosecuting or defending party. (Emphasis added).

Petitioner herein has failed to offer sufficient evidence to refute the Secretary’s claim or to support Petitioner’s position that the subject debt was paid in full or rendered unenforceable. Petitioner provided evidence along with her *Hearing Request* as proof that she transferred her interest in the property to third parties. But Petitioner’s transfer of interest in the property failed to prove that HUD released her from her contractual obligation to pay the subject debt. Without such proof, the Court is unable to determine the credibility of Petitioner’s position based on the existing record of evidence. Petitioner’s failure to comply with the Court’s *Orders* for the evidence necessary to make that determination likewise falls short of Petitioner meeting her burden of proof.

Consistent with the provisions of 24 C.F.R. §§ 26.4 (c) and (d), Petitioner’s appeal is **DISMISSED** *sua sponte*. Therefore, it is hereby

**ORDERED** that this matter be **DISMISSED WITH PREJUDICE** and the stay of proceeding issued on July 31, 2019 is VACATED.

SO ORDERED.



Vanessa L. Hall  
Administrative Judge