

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

In the Matter of:

Megan Boyce aka Dixon,

Petitioner

20-VH-0112-AG-065

721012249

December 16, 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...*” (Emphasis added).

Petitioner herein filed a request for hearing on March 2, 2020. The Secretary filed his *Statement* and documentary evidence on March 12, 2020. To date, Petitioner has failed to offer any evidence to refute the Secretary’s claim or to support Petitioner’s position that the alleged debt was paid in full or rendered unenforceable, or that such proposed garnishment would cause financial hardship. The lapse of time since March 2020 has provided Petitioner with a number of opportunities to comply with the Court’s *Orders* on March 3, 2020, June 10, 2020, and September 3, 2020 to produce such necessary documentary evidence, but Petitioner has failed to do so. As a result, the Court is unable to determine the credibility of Petitioner’s argument in the absence of such evidence.

The *Order to Show Cause* recently issued on May 6, 2020 by the Court again specifically stated, “**Failure to comply with this Order shall result in sanctions being imposed by the Court pursuant to 24 C.F.R. § 26.4 (c), including judgment being entered on behalf of the opposing party or dismissal of this action.**” (Emphasis in original). Consistent with the provisions of 24 C.F.R. §§ 26.4 (c), 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 March 3, 2020 is VACATED.

SO ORDERED.



Vanessa L. Hall
Administrative Judge