

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

In the Matter of:

**David and Harley Miller**

Petitioners,

21-AM-0089-AG-050

7-21017141B

April 19, 2022

**RULING AND ORDER OF DISMISSAL**

On or about March 16, 2021, Petitioners were ordered to file documentary evidence, on or before April 30, 2021, to prove that Petitioners were not indebted to the Department in the amounts claimed by the Secretary. *Notice of Docketing, Order, and Stay of Referral*, dated March 16, 2021. Petitioners failed to comply with that *Order*. Even taking into account the delays caused by the Covid pandemic, Petitioners had more than ample time to come forward with documentary evidence to support Petitioners' position. Thus, Petitioners have failed to respond to the Secretary's documentary evidence showing that Petitioners are indebted to the Department in the amounts claimed by the Secretary. *Secretary's Statement*, ¶ 10. Petitioners' failure to respond to the *March 16th Order* also prevents the Court from being able to fully evaluate any claim of financial hardship. Accordingly, it is

**ORDERED** that Petitioner's appeal is hereby **DISMISSED**, *sua sponte*, and *without prejudice*. The Stay of Referral to the U.S. Department of the Treasury entered on March 16, 2021, 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.*