

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

In the Matter of:

Nico Marchese

Petitioner,

21-AM-0233-AG-135

721017791

May 11, 2022

RULING AND ORDER OF DISMISSAL

On or about August 26, 2021, Petitioner was ordered to file documentary evidence, on or before October 11, 2021, to prove that Petitioner is not indebted to the Department in the amounts claimed by the Secretary. *Notice of Docketing, Order, and Stay of Referral*, dated August 26, 2021. Petitioner failed to comply with that *Order*. Even taking into account the delays caused by the Covid pandemic, Petitioner has had more than ample time to come forward with documentary evidence. Petitioner's failure to comply with the *August 26th 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 August 26, 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.*