

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

In the Matter of:

Dorothy D. Cook,

Petitioner

21-VH-0099-AG-060

5458910

January 12, 2023

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).

While Petitioner submitted copies of a utility bill and an internet bill, these documents alone did not serve as sufficient proof of Petitioner’s claim. Petitioner has failed to offer, as so ordered by the Court, the additional evidence necessary to refute the allegations in the *Secretary’s Statement* filed on April 13, 2021, or otherwise support Petitioner’s position that the subject debt was paid in full, rendered unenforceable, or formed the basis for causing financial hardship to the Petitioner. The lapse of time since April 2021 has provided Petitioner with a number of opportunities to comply with the Court’s *Orders* on April 1, 2021, September 13, 2021, February 3, 2022, and April 8, 2022 to produce documentary evidence that was specifically identified by the Court, but Petitioner has failed to do so. As a result, the Court is unable to determine the credibility of Petitioner’s claim due to Petitioner’s non-compliance.

The *Order for Clarification* recently issued on April 8, 2022 by the Court 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 April 1, 2021 is VACATED.

SO ORDERED.


Vanessa L. Hall
Administrative Judge