

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

In the Matter of:

Melissa Hirthe,

Petitioner

22-VH-0060-AG-043

721015899

September 30, 2022

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 has failed to offer any evidence to refute the allegations in the Secretary’s Statement filed on February 23, 2022 or to support Petitioner’s position that the subject debt was paid in full or rendered unenforceable, or that such proposed garnishment would cause financial hardship. The lapse of time since January 2022 has provided Petitioner with a number of opportunities to comply with the Court’s *Orders* on January 10, 2022, May 17, 2022, and July 29, 2022, 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 without such evidence.

The *Order to Show Cause* recently issued on July 29, 2022 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 January 10, 2022 is VACATED.

SO ORDERED.



Vanessa L. Hall
Administrative Judge