

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

In the Matter of:

**Martin Wilson,**

Petitioner

22-VH-0099-AG-071

721017987

November 8, 2023

**ORDER OF DISMISSAL**

24 C.F.R. § 26.4 (c)-(d) 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 filed a request for hearing on January 25, 2022 in which he argued that he had reached by divorce decree a repayment plan for the subject debt at a monthly payment of \$200.00. As a result, the subject debt amount claimed by the Secretary was inaccurate. While Petitioner presented copies of what was previously submitted to HUD for negotiating a repayment plan before this appeal, Petitioner has since failed to offer the necessary evidence in this proceeding to prove that the current balance is inaccurate.

Petitioner further states that he remains willing to repay the debt owed but would prefer to offer what he originally agreed to pay, \$200.00 monthly. Petitioner’s proposed offer cannot be determined in this proceeding because this Court is not authorized to extend, recommend, or accept any repayment plan or settlement offer on behalf of HUD so Petitioner cannot seek such recourse with the Court. Petitioner may wish to again discuss this offer with either Counsel for the Secretary or the Director of HUD’s Albany Financial Operations Center, 52 Corporate Circle, Albany, NY 12203-5121 at 1-800-669-5152, extension 2859.

Consistent with the provisions of 24 C.F.R. §§ 26.4 (c)-(d), Petitioner’s appeal is **DISMISSED** *sua sponte* because Petitioner has failed to comply with the Court’s Order in this proceeding to present evidence in support of his claim that the subject debt amount is inaccurate. Therefore, it is hereby

**ORDERED** that this matter be **DISMISSED WITH PREJUDICE** and the stay of proceeding issued on January 25, 2022 is VACATED.

SO ORDERED.



Vanessa L. Hall  
Administrative Judge