

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

In the Matter of:

Angel L. Gonzales (DeLaRosa),

Petitioner

22-VH-0101-AG-073

721018427

February 10, 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...*” Further, under 24 C.F.R. § 26.4 (d), it provides, “If a party fails to prosecute *or defend an action brought under subpart A of this part, the hearing officer may dismiss the action* or may issue an initial decision against the non-prosecuting or defending party. (Emphasis added).

Petitioner herein has failed to offer sufficient evidence to prove that the subject debt does not exist, is unenforceable or not past due, or that the proposed garnishment amount would create a financial hardship. The lapse of time since January 2022 has provided Petitioner with a number of opportunities to comply with the Court’s *Orders* to produce such evidence but Petitioner has failed to do so. As a result, the Court is unable to determine the credibility of Petitioner’s argument challenging the existence of the subject debt due to Petitioner’s non-compliance.

The *Order for Clarification* issued on December 5, 2022, after Petitioner’s failure to comply with the three previous Orders on January 28, 2022, September 22, 2022, and October 26, 2022, 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) and (d), 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) and (d), 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 28, 2022 is VACATED.

SO ORDERED.



Vanessa L. Hall
Administrative Judge