

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

In the Matter of:

CECILY SMITH,

Petitioner.

23-AM-0014-AG-006  
(Claim No. 721018516)

October 23, 2023

**ORDER OF DISMISSAL**

On November 22, 2022, the Court received Petitioner's *Hearing Request* wherein Petitioner disputed the existence of the alleged debt in this case. Thereafter, the Court ordered the Secretary and Petitioner to file documentary evidence in support of their respective positions. The Secretary complied with the Court's order and filed a Secretary's Statement and supporting evidence on January 4, 2023. Petitioner did not comply or otherwise respond.

Having not received a timely filing from Petitioner, the Court ordered Petitioner to show cause as to why their appeal should not be dismissed. Again, Petitioner did not comply or respond.

When a party fails to comply with an order of the Court, the Court may impose a sanction that reasonably relates to the severity and nature of the failure. 24 C.F.R. § 26.4. If a party fails to prosecute or defend an action, dismissal of the matter or a decision against that party may also be imposed. Id. at § 26.4(d).

To date, Petitioner has not complied with the Court's orders or otherwise produced evidence in support of their position that the debt in this case is not past due or enforceable. Accordingly, this matter is **DISMISSED**, and the stay of proceedings issued on November 29, 2022 is hereby **VACATED**.

So **ORDERED**,

ALEXANDER  
FERNANDEZ-  
PONS

Digitally signed by: ALEXANDER  
FERNANDEZ-PONS  
DN: CN = ALEXANDER FERNANDEZ-  
PONS C = US O = U.S. Government  
OU = Department of Housing and Urban  
Development, Office of the Secretary  
Date: 2023.10.23 09:14:53 -04'00'

Alexander Fernández-Pons  
Administrative Law Judge