

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

In the Matter of:

JOSEPH DiFRANCO,

Petitioner.

Docket No. 23-VH-0184-AG-108  
(Claim No. 721020718)

September 5, 2024


**ORDER OF DISMISSAL**

24 C.F.R. § 26.4 (c) provides, “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, 24 C.F.R. § 26.4 (d) 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.”

On September 18, 2023, Petitioner filed a *Request for Hearing* for the Tribunal to review HUD’s determination that Petitioner owed the subject debt. Petitioner failed to comply with the Tribunal’s *Notice of Docketing* issued on September 20, 2023, and subsequent *Show Cause Order* in which the Tribunal specifically stated, “If a party fails to prosecute or defend an action, dismissal of the matter or a decision against that party may also be imposed.” Petitioner claims that he does not owe the debt because he divorced his ex-wife, and the house was legally signed over to her. However, co-signers of a Note are jointly and severally liable to the obligation to pay a Note and, as a result, “a creditor may sue the parties to such obligation separately or together.” Mary Jane Lyons Hardy, HUDBCA No. 87-1982-G314, at 3 (July 15, 1987).

The lapse of time since September 2023 has provided Petitioner with opportunities to comply with the Tribunal’s *Orders* but Petitioner has failed to respond. So consistent with the provisions of 24 C.F.R. § 26.4 (c) and (d), Petitioner’s appeal is **DISMISSED WITH PREJUDICE** *sua sponte* for non-compliance with the Tribunal’s *Orders*. The stay of proceeding issued on September 20, 2023, is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall  
Administrative Judge