

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of:

MARY A. PROCTOR

Respondent.

HUDALJ 92-1865-DB(S)

Mary A. Proctor, pro se

Michael D. Noonan, Esquire
For the Department

Before: Samuel A. Chaitovitz
Administrative Law Judge

INITIAL DECISION AND ORDER

Statement of the Case

This proceeding arose as a result of a proposal by the Department of Housing and Urban Development ("the Department" or "HUD") to suspend Mary A. Proctor ("Respondent") from participation in primary covered transactions and lower-tier covered transactions as either a participant or principal at HUD and throughout the Executive Branch of the Federal Government and from participating in procurement contracts with HUD for an indefinite period from April 28, 1992. HUD's action is based upon Respondent's indictment returned by a Grand Jury convened by the Superior Court for the State of Alaska, First Judicial District. The indictment charged her with two counts, alleging that Respondent engaged in theft in the second degree and misapplication of property.

Respondent was notified of the suspension by letter dated April 28, 1992, and on May 28, 1992, submitted her appeal. Because the proposed action is based upon an indictment, the hearing was limited under Department Regulation 24 C.F.R. § 24.313(b)(2)(ii) to submission of documentary evidence and written briefs. Accordingly, an Order was issued on June 23, 1992, setting forth dates for filing briefs and documentary evidence.

The Department's brief in support of debarment was timely filed on July 17, 1992. Respondent's reply brief was due on or before August 24, 1992. Since by September 24, 1992, Respondent had failed to file a reply brief, she was, on that date, ordered to


show cause by October 15, 1992, why a summary decision should not be issued in favor of the government. The Order to Show Cause also stated that failure to respond to the Order in a timely fashion would constitute consent to such a summary decision.

Petitioner has failed to respond to the Order to Show Cause and has, therefore, consented to the entry of the following:

ORDER

Respondent having failed to prosecute the appeal, it is

ORDERED, that Respondent's appeal is hereby **DISMISSED**.


SAMUEL A. CHAITOVITZ
Administrative Law Judge

Dated: October 27, 1992