

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
BOARD OF CONTRACT APPEALS
WASHINGTON, D. C.

In the Matter of:

ANTHONY WOODSON,

Respondent

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HUDBCA No. 87-2653-D61
(Docket No. 87-1166-DB)

Mr. Anthony Woodson

[REDACTED]

Dane Narode, Esquire
Room 10266
Office of General Counsel
U.S. Department of Housing
and Urban Development
Washington, D. C. 20410

DETERMINATION and ORDER

By letter of December 10, 1987, Respondent replied to the Board's November 27, 1987, Order to Show Cause why this matter should not be dismissed for lack of prosecution, asserting that, "I was not aware of the fact that there was any matter [b]eing [p]rosecuted," and further asserting "displeasure [at] being given a form of double jeopardy."

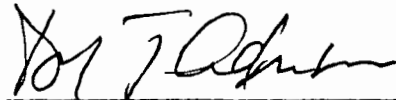
Petitioner was mailed a copy of the Board's Notice of Docketing and Order dated September 18, 1987, by certified mail, return receipt requested. The return receipt indicates that the notice and order were received at the [REDACTED] Correctional Center on September 28, 1987. The Department's Complaint of August 3, 1987, also bears the correct address. On the basis of the evidence before me, I conclude that Respondent was properly notified of this matter. The September 18, 1987 notice and order provided, inter alia, that "Respondent is directed to file an Answer to the Department's Complaint, within thirty (30) days of receipt of the Complaint" More than ninety days have elapsed since the issuance of the notice and order. I find that Respondent has failed to file an Answer to the Department's

Complaint or to show good cause for his failure to file an Answer.

In respect to Respondent's double jeopardy assertion, Respondent misunderstands the fundamental nature of this proceeding. The purpose of debarment is to ensure that the Government does business only with responsible contractors and grantees. 24 C.F.R. §24.0. Debarment is not to be used for punitive purposes, but to protect the public interest. 24 C.F.R. §24.5(a). The suspension or debarment of a Government contractor or grantee is not in purpose or in fact punishment, and does not fall within the ambit of the double jeopardy clause of the Constitution. United States v. Hartley, 612 F.2d 1009 (5th Cir. 1980).

ORDER

Respondent having failed to show cause why this matter should not be dismissed for lack of prosecution, it is hereby ORDERED that this matter is dismissed with prejudice for lack of prosecution. This matter is remanded to the Assistant Secretary for further action consistent with the notice of proposed debarment.



DAVID T. ANDERSON
Administrative Judge

January /3, 1988