

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

In the Matter of:

**JACQUELINE BROWN (COPELAND),**

Petitioner

HUDOHA No. 12-AM-NY-AG-121

Claim No. 52-0883319WU

November 21, 2012

**RULING AND ORDER OF DISMISSAL**

The underlying debt in this case was initially adjudicated on October 13, 2010. *In re Jacqueline Brown*, HUDOA No. 10-M-NY-AWG75, dated October 13, 2010, (the "October 13<sup>th</sup> Decision.") However, despite attempts to collect on the debt, the Secretary has, apparently, not been able to collect any portion of the debt. Secretary's Statement and Secretary's Proposed Repayment Schedule, filed September 27, 2012, ("Sec'y State."), ¶3. On August 17, 2012, the Secretary re-filed Petitioner's initial Hearing Request, dated April 2, 2010, and also sought to increase the authorized collection amount to 12% of Petitioner's disposable pay, rather than the 7% amount initially authorized in the October 13<sup>th</sup> Decision. Sec'y State., ¶6. Accordingly, the case was re-docketed and given the new case number: HUDOHA No. 12-AM-NY-AG-121. Notice of Docketing, Order, and Stay of Referral, dated August 29, 2012. It is not clear from the record why the Secretary did not simply seek to re-open the October 13<sup>th</sup> Decision based on changed financial circumstances, or some other grounds.

The procedural posture of the case, notwithstanding, I find that, for other reasons, this case may not proceed. This Office has sent two separate copies of the Notice of Docketing, Order, and Stay of Referral, dated August 29, 2012, to Petitioner, on August 29, 2012 and again on October 11, 2012. Both mailings were returned as undelivered by the U.S. Postal Service. The address where the Notices of Docketing were sent was: 4480 Ben Lane, Walkertown, N.C. 27051. This is the identical address listed on Petitioner's Request for Hearing, dated April 2, 2010. No other address for Petitioner is provided in the record. In addition, the staff of this Court took the unusual step of attempting to contact Petitioner, directly, at the telephone number provided by Petitioner on her Hearing Request, on September 27, 2012 and October 25, 2012. Voicemail messages were left for Petitioner on both occasions, and, as of the date of this Order, Petitioner has failed to respond to our telephone calls and attempts to contact her by mail.

With no way of contacting Petitioner, it is impossible for this case to proceed in its current posture. Accordingly, this case is **DISMISSED**, *sua sponte*, and without prejudice. The Secretary is free to file such motions as he deems appropriate to substantiate changed financial circumstances or actions *in absentia*, that may support the relief he currently seeks. It is

**ORDERED** that the Decision and Order issued in *Jacqueline Brown*, HUDOA No. 10-M-NY-AWG75 (October 13, 2010), SHALL NOT BE MODIFIED, and shall remain in full force and effect. It is

**FURTHER ORDERED** that the Stay of Referral of this matter to the U.S. Department of the Treasury for collection, entered by this Court on August 29, 2012, is hereby **VACATED**.

**SO ORDERED.**



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H. Alexander Manuel  
Administrative Judge