

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

In the Matter of:

LESLIE M. BROOKS,

Petitioner.

16-AM-0146-AG-038

72-1008441-0B

April 4, 2017

RULING AND ORDER OF DISMISSAL

In Petitioner's Hearing Request, dated September 7, 2016, Petitioner attached a pay-off statement from Petitioner's primary mortgagee that does not evidence a release of the alleged debt in this case. *See* Petitioner's letter attaching letter from Customer Service Department of Carrington Mortgage Services, LLC. *Cf.* The alleged debt in this case evidenced by the FHA Partial Claim Subordinate Note to the U.S. Department of Housing and Urban Development (not to Carrington Mortgage Services, LLC), signed by Petitioner, and dated 2/24/2009 in the amount of \$12,513.96, attached as Exhibit 1 to the *Secretary's Statement*, dated October 19, 2016.

The Secretary filed the *Secretary's Statement* in this case on October 19, 2016. On October 4, 2016, Petitioner was ordered to file documentary evidence in support of her position no later than November 4, 2016. Petitioner failed to comply with that Order. On December 13, 2016, Petitioner was again ordered to file documentary evidence in support of Petitioner's case on or before January 9, 2017. Petitioner again failed to comply with that Order. Petitioner was warned in the December 13th Order that:

Failure to comply with this Order shall result in the imposition of sanctions to include entry of judgment in favor of the Secretary in this case, a decision based on the documents of record, or other sanctions deemed necessary and appropriate by the Administrative Judge.

(emphasis in original). Accordingly, it is

ORDERED that, Petitioner's appeal is hereby **DISMISSED**, *without prejudice*, and for want of prosecution. Judgment is entered in favor of the Department, and the *Stay of Proceedings* previously entered in this case on September 20, 2016 is hereby **VACATED**.

SO ORDERED,



H. Alexander Manuel
Administrative Judge