

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

In the Matter of:

CHRISTOPHER JOHNSON,

Petitioner.

17-AM-0030-AG-009

7210088780A

October 26, 2017

RULING AND ORDER OF DISMISSAL

On December 20, 2016, Petitioner filed a Hearing Request stating that the alleged debt in this case should not be collected because he was not employed in his current position for a 12-month period, and that any repayment agreement imposed at this time would visit undue financial hardship upon him.

On December 28, 2016, Petitioner was ordered to file evidence to support his position on or before February 10, 2017. *See Notice of Docketing, Order, and Stay of Referral*, dated December 28, 2017. Petitioner failed to comply with that Order.

On January 11, 2017, the Secretary filed the *Secretary's Statement*, stating that Petitioner failed to cooperate with the Secretary's efforts to verify Petitioner's employment status and income. *See Declaration of Brian Dillon, ¶8*, dated January 10, 2017, Exhibit A to *Secretary's Statement*.

On April 4, 2017, this Court issued a *Show Cause Order* against Petitioner ordering him to show cause why his appeal should not be dismissed for want of prosecution. Petitioner failed to comply with the *April 4, 2017 Show Cause Order*, which contained the express warning that:

Failure to comply with this Order shall result in the immediate entry of judgment in favor of the opposing party or in the imposition of such other sanctions as the Administrative Judge deems necessary or appropriate in this case. See 24 C.F.R. §26.4(d).

(emphasis in original). Petitioner has come forward with no documentary evidence to prove that he has been in his current employment position for less than 12 months, or that a proposed repayment plan would cause him undue financial hardship. Accordingly, Petitioner's appeal is DISMISSED, *sua sponte*. It is

ORDERED that Petitioner's appeal is DISMISSED, *without prejudice*. It is

FURTHER ORDERED that the *Stay of Referral* of this matter to the U.S. Department of the Treasury for collection, entered on December 28, 2016, is hereby VACATED.

SO ORDERED,

A handwritten signature in black ink, appearing to read 'H. Alexander Manuel', written over a horizontal line.

H. ALEXANDER MANUEL
Administrative Judge