

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

In the Matter of:

Carlos Reyes,

Petitioner.

18-AM-0125-AG-058

721009977

December 19, 2018

RULING AND ORDER OF DISMISSAL

On August 10, 2017, Petitioner filed his Request for Hearing where he acknowledged HUD's claim against him for the alleged indebtedness in this case. *Request for Hearing*, dated August 10, 2017. However, on March 28, 2018 Petitioner filed an email inexplicably stating that he knew nothing about the alleged indebtedness and had received no notice of the Department's claim against him.

Previously, on February 26, 2018, the Court had issued a *Notice of Docketing, Order, and Stay of Referral* directing Petitioner to file documentary evidence on or before April 13, 2018, in support of his appeal. Meanwhile, the Secretary had filed the *Secretary's Statement* on March 27, 2018. The next day, on March 28, 2018, Petitioner filed his email claiming that he had received no notice of HUD's claims against him. He then failed to meet his April 13, 2018 deadline for filing documentary evidence in support of his appeal.

On June 15, 2018, the Court issued another order stating:

Petitioner failed to meet the April 13th deadline for filing documentary evidence in this case. However, it is the Court's practice to permit Petitioners ample time to file any and all relevant evidence that Petitioners wish to file in support of their administrative wage garnishment appeal. That practice will be followed here.

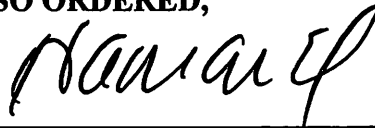
Order for Documentary Evidence, dated June 15, 2018. Accordingly, that *Order* provided Petitioner with another opportunity to file documentary evidence on his behalf until July 13, 2018. However, the *Order* also informed Petitioner that "[f]ailure to comply with this Order may result in a judgment being entered in favor of the opposing party, a dismissal of this appeal, or such other sanctions as the Administrative Judge deems necessary and proper pursuant to 24 C.F.R. §26.4(d). Petitioner failed to comply with the *June 15, 2018 Order*, as well.

Now therefore, it is

ORDERED that this case is **DISMISSED**, *sua sponte*, and *without prejudice*. It is

FURTHER ORDERED that the Stay of Referral previously entered in this case on February 26, 2018, 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