

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

In the Matter of:

Terry L. Gilliam,

Petitioner.

18-VH-0006-AG-006

780785363

June 13, 2019

ORDER OF DISMISSAL

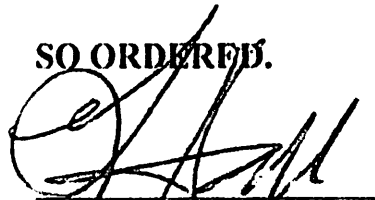
24 C.F.R. § 26.4(c) provides that “If a party refuses or fails to comply with an order of the hearing officer, including an order compelling discovery, the hearing officer may enter any appropriate order necessary to the disposition of the hearing *including a determination against the noncomplying party . . .*” Further, under 24 C.F.R. § 26.4(d), it provides, “If a party fails to prosecute or *defend an action brought under subpart A of this part, the hearing officer may dismiss the action* or may issue an initial decision against the non-prosecuting or defending party. (Emphasis added).

On October 3, 2017, Petitioner alleged in the *Request for Hearing* that “I [Petitioner] do not owe the full amount of the debt.” No evidence was filed in support of Petitioner’s claim that the subject debt owed to HUD would be paid off, or that Petitioner was released from the contractual obligation to pay the subject debt. To date, Petitioner has failed to comply with any of the Court’s *Orders* to produce sufficient evidence to prove HUD issued them a written release from the subject debt. See Order for Documentary Evidence dated November 27, 2017; *Order to Show Cause* dated January 31, 2018. The *Order to Show Cause* last issued by the Court specifically stated “**Failure to comply with this Order shall result in sanctions being imposed by the Court pursuant to 24 C.F.R. § 26.4 (c) and (d), including judgment being entered on behalf of the opposing party.**” Petitioner again failed to comply as so ordered.

Consistent with the provisions of 24 C.F.R. § 26.4 (c) and (d), Petitioner’s appeal is **DISMISSED WITH PREJUDICE** *sua sponte* because of Petitioner’s non-compliance with the Court’s *Orders* to produce the necessary evidence for the Court’s review.

The stay of proceeding issued on October 4, 2017-is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall
Administrative Judge