

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

In the Matter of:

ERIC STARNES,

Petitioner,

19-AM-0218-AG-068

780799877

January 15, 2020

RULING AND ORDER OF DISMISSAL

On September 30, 2019, Petitioner was ordered to file documentary evidence, on or before November 15, 2019, to prove that Petitioner is not indebted to the Department in the amounts claimed by the Secretary. *Notice of Docketing, Order, and Stay of Referral* ("Order"). Petitioner failed to comply with this *Order*.

Prior to issuance of the *Order*, Petitioner filed a *Request for Hearing*, that did not contain documentary evidence in support of Petitioner's position in this case. Instead, Petitioner stated that he "never had anything with HUD, only had a mortgage with Vanderbilt [sic]." Petitioner's hand-written, note denied owing the alleged debt in this case, and claimed that repayment of the debt would cause him to suffer financial hardship. *Id.*

The *Order* specifically required Petitioner to file documentary evidence to support his position in this case, and permitted him to file an affidavit, declaration, or other evidence supporting any claim of financial hardship. *Id.* Petitioner's statements, standing alone, do not constitute documentary evidence that could create an issue of fact in this case. The Court, therefore, finds that Petitioner is indebted to the Department in the amounts claimed by the Secretary. Accordingly, Petitioner's appeal is DISMISSED, *sua sponte*, and *without prejudice*. It is

ORDERED that the Secretary is authorized to seek collection of Petitioner's indebtedness to the Department in the amounts claimed by the Secretary, and at the maximum garnishment rate permitted under applicable regulations. It is

FURTHER ORDERED that the *Stay of Referral* of this matter to the U.S. Department of the Treasury entered in this case on September 30, 2019 is hereby **VACATED**.

SO ORDERED,



H. ALEXANDER MANUEL

Administrative Judge

APPEAL NOTICE: You have the right to move for reconsideration of this case before the HUD Office of Hearings and Appeals within 20 days of the date of this ruling or decision; or, thereafter, to reopen this case. Ordinarily, such motions are not granted unless new evidence is provided that could not have been previously presented. You may also appeal this decision to the appropriate United States District Court. For wage garnishments cases, See 24 C.F.R. § 17.81, 31 C.F.R. § 285.119(f), and 5 U.S.C. 701, *et seq.* For administrative offset cases, See 24 C.F.R. § 17.73(a), and 5 U.S.C. § 701, *et seq.*