

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of:

GIRVAN B. DOUGLAS

Respondent.

HUDALJ 93-1991-DB(LDP)

Decided: June 9, 1993

Girvan B. Douglas, *pro se*

Janet B. Dreifuss, Esquire
For the Government

Before: PAUL G. STREB
Administrative Law Judge

INITIAL DETERMINATION

This matter concerns the appeal of Girvan B. Douglas from a Notice of Limited Denial of Participation issued on December 9, 1992, by the Regional Administrator, New York Regional Office, U.S. Department of Housing and Urban Development ("the Government" or "HUD"). The notice informed Mr. Douglas that he was being denied the right to participate in HUD programs within the jurisdiction of the New York Regional Office for one year commencing December 9, 1992. The action was based on Mr. Douglas' alleged conviction of a misdemeanor -- possession of a forged instrument -- in conjunction with his application for a HUD-insured loan.

On March 9, 1993, Mr. Douglas appealed his Limited Denial Of Participation. On March 19, 1993, an Order was issued setting forth a schedule for the filing of pleadings and evidence; the Government was ordered to file its Complaint not later than April 19, 1993, and Mr. Douglas was ordered to file his Answer not later than May 7, 1993. The Government filed its Complaint on April 19, 1993. Mr. Douglas did not file an Answer.

On May 20, 1993, the Government filed a motion requesting that Mr. Douglas' appeal be dismissed with prejudice because he did not file an Answer to the Complaint.

Mr. Douglas did not respond to the motion. On May 24, 1993, an Order was issued requiring Mr. Douglas to show cause not later than June 4, 1993, why his appeal should not be dismissed with prejudice. Mr. Douglas did not respond to the Order.

In view of the sequence of events set forth above, I find that Mr. Douglas has taken no action to prosecute his appeal. The filing of an Answer was required by both the March 19 Order and 24 C.F.R. § 26.11. Mr. Douglas has been provided several opportunities to comply with that requirement, and he has been warned of the consequences of failing to do so. However, Mr. Douglas has not filed an Answer or taken any action to show that he wishes to prosecute his appeal. Accordingly, it is ORDERED that the appeal is DISMISSED WITH PREJUDICE because of Mr. Douglas' failure to prosecute the appeal.

FINALITY AND SECRETARIAL REVIEW

This Initial Determination shall be final unless the Secretary of HUD or the Secretary's designee, within 30 days of receipt of a request for review, decides as a matter of discretion to review the Determination. Any party may request such a review in writing within 15 days of receipt of the Determination. 24 C.F.R. § 24.314(c).

PAUL G. STREB
Administrative Law Judge