

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

In the Matter of:)	
)	
Mortgage Network of America, Inc.,)	HUDALJ 10-F-071-MR/37
)	
Respondent.)	
)	

**ORDER GRANTING RESPONDENT’S REQUEST TO WITHDRAW APPEAL
AND AFFIRMING ADMINISTRATIVE ACTION**

On March 24, 2010, the Mortgagee Review Board of the United States Department of Housing and Urban Development (“the Government” or HUD) filed a Notice of Administrative Action initiating this matter, withdrawing Respondent’s HUD/FHA approval for one year. Respondent filed a response on March 26, 2010, requesting an appeal of the withdrawal action, offering explanations as to why its audited financial statements were not submitted by its CPA to the Lender Assessment Sub-System, and attaching a copy of 2008 financial documents.

A Corrected Notice of Hearing and Prehearing Order was issued by the undersigned, requiring the parties to submit Prehearing Exchanges on or before April 22, 2010, and scheduling the hearing for April 26, 2010.

In a letter dated April 16, 2010, Respondent withdrew its request for an appeal of the Government’s withdrawal action. Respondent explained in the letter that it is closing down due to a declining business environment, and because of financial hardship, cannot pay for legal representation or the transportation and lodging expenses necessary to attend the hearing. The letter stated that Respondent fully accepts the revocation of its HUD license, but requests that no further action be taken against Respondent, its owner and staff. HUD has not filed any response to the letter.

The applicable regulations at 24 C.F.R. parts 25 and 26 do not refer to withdrawal of appeals, but do provide as follows:

If a party fails to prosecute or defend an action brought under subpart B of this part, *the ALJ may dismiss the action* or may issue a decision against the non-prosecuting or defending party. Such decision of the ALJ shall constitute final agency action and shall not be appealable to the Secretary under § 26.52 of this part.

24 C.F.R. § 26.34(d) (emphasis added).

Consistent with Section 26.34(d) and with the general authorities of the presiding Administrative Law Judge in 24 C.F.R. § 26.32, Respondent's request to withdraw its appeal is hereby **GRANTED**. Accordingly, it is hereby **ORDERED** that the Mortgage Review Board's withdrawal of Respondent's HUD/FHA approval for one year is hereby **AFFIRMED** without further proceedings.



Susan L. Biro
Chief Administrative Law Judge¹

Date: April 22, 2010
Washington, D.C.

¹ The Administrative Law Judges of the United States Environmental Protection Agency are authorized to hear cases pending before the United States Department of Housing and Urban Development pursuant to an Interagency Agreement effective for a period beginning March 4, 2010.