

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

In the Matter of:

**Eugene White,**

Petitioner

20-VH-0123-AG-071

2010272325A

January 27, 2021

**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...*” (Emphasis added).

Petitioner herein filed a request for hearing on March 11, 2020. But Petitioner has failed to offer any evidence to refute the Secretary’s claim or to support Petitioner’s position that the alleged debt was paid in full or rendered unenforceable, or that such proposed garnishment would cause financial hardship. The lapse of time since March 2020 has provided Petitioner with a number of opportunities to comply with the Court’s *Orders* on March 11, 2020, June 18, 2020, August 12, 2020, and December 9, 2020 to produce such necessary documentary evidence, but Petitioner has failed to do so. As a result, the Court is unable to determine the credibility of Petitioner’s argument in the absence of such evidence.

The *Order to Show Cause* recently issued on December 9, 2020 by the Court again 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), including judgment being entered on behalf of the opposing party or dismissal of this action.**” (Emphasis in original). Consistent with the provisions of 24 C.F.R. §§ 26.4 (c) and (d), Petitioner’s appeal is **DISMISSED** *sua sponte*. Therefore, it is hereby

**ORDERED** that this matter be **DISMISSED WITH PREJUDICE** and the stay of proceeding issued on March 11, 2020 is VACATED.

SO ORDERED.



Vanessa L. Hall  
Administrative Judge