

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

In the Matter of:

**Richard Gliem,**

Petitioner

21-VH-0031-AG-024

780749351

January 26, 2022

**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).

Petitioner failed to offer any additional evidence to disprove the Secretary’s allegation that the subject debt does not currently exist. While Petitioner offered copies of a Chapter 13 Bankruptcy payment plan arranged in 2013 that indicated Petitioner previously agreed to pay the subject debt, the bankruptcy case was later dismissed in 2017 due to Petitioner’s failure to comply. The lapse of time since December 2020 has provided Petitioner with sufficient opportunities to comply with the Court’s *Orders* to either refute the Secretary’s allegations or produce additional evidence in support of Petitioner’s position, but Petitioner has failed to do so. As a result, the Court is unable to determine the credibility of Petitioner’s argument without such evidence due to Petitioner’s non-compliance.

The *Order to Show Cause* issued on September 29, 2021, after Petitioner’s failure to comply with the two previous Orders on December 9, 2020 and April 14, 2021, 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 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 December 9, 2020 is VACATED.

SO ORDERED.



Vanessa L. Hall  
Administrative Judge