

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

In the Matter of:

**Rosa Cordova,**

Petitioner

21-VH-0045-AG-034

721016654

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 herein has failed to offer sufficient evidence to prove that the amount of the subject debt claimed by the Secretary does not exist, is unenforceable, or is not past due, or that the proposed garnishment amount would create a financial hardship. While Petitioner alleged that she was not provided documents to prove this debt existed, it should be noted that Petitioner was informed in the *Notice of Docketing* issued on January 7, 2021 where to obtain such documents. There is no record that Petitioner ever made that attempt. The lapse of time since January 2021 has provided Petitioner with a number of opportunities to comply with the Court’s *Orders* to submit 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 January 7, 2021 and July 2, 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 January 7, 2021 is VACATED.

SO ORDERED.



Vanessa L. Hall  
Administrative Judge