

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

In the Matter of:

Omar Viramontes,

Petitioner

21-VH-0240-AG-140

721017568

September 29, 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...*” (Emphasis added).

Petitioner herein has failed to offer any evidence to refute the allegations in the Secretary’s Statement filed on November 2, 2021 or to support Petitioner’s position that the subject debt was paid in full or rendered unenforceable, or that such proposed garnishment would cause financial hardship. The lapse of time since September 2021 has provided Petitioner with a number of opportunities to comply with the Court’s *Orders* on September 1, 2021, May 12, 2022, and July 28, 2022, 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 without such evidence.

The *Order to Show Cause* recently issued on July 28, 2022 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), 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 September 1, 2021 is VACATED.

SO ORDERED.



Vanessa L. Hall
Administrative Judge