

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

In the Matter of:

MICHAEL KEVIN SCARBOROUGH,

Petitioner.

Docket No. 24-AF-0118-AG-082
(Claim No. 721014979)

July 1, 2024

ORDER OF DISMISSAL

On January 29, 2024, the Tribunal received Petitioner's *Hearing Request* wherein Petitioner disputed the existence and amount of the debt claimed by the Secretary of the U.S. Department of Housing and Urban Development ("HUD"), and further claimed that garnishment would cause financial hardship. Thereafter, the Tribunal ordered the Secretary and Petitioner to file documentary evidence in support of their respective positions. The Secretary complied with the Tribunal's order and filed a Secretary's Statement and supporting evidence on February 29, 2024. Petitioner did not comply or otherwise respond.

Having not received a timely filing from Petitioner, the Tribunal ordered Petitioner to show cause as to why his appeal should not be dismissed. Again, Petitioner did not comply or respond.

When a party fails to comply with an order of the Tribunal, the Tribunal may impose a sanction that reasonably relates to the severity and nature of the failure. 24 C.F.R. § 26.4. If a party fails to prosecute or defend an action, dismissal of the matter or a decision against that party may also be imposed. *Id.* at § 26.4(d).

To date, Petitioner has not complied with the Tribunal's orders or otherwise produced evidence in support of the position that he does not owe the alleged debt or that the proposed garnishment would cause financial hardship. Accordingly, this matter is **DISMISSED**, and the stay of proceedings issued on January 31, 2024, is hereby **VACATED**.

So **ORDERED**,

**ALEXANDER
FERNANDEZ-
PONS**

Digitally signed by: ALEXANDER
FERNANDEZ-PONS
DN: CN = ALEXANDER FERNANDEZ-PONS
C = US, O = U.S. Government, OU =
Department of Housing and Urban
Development, Office of the Secretary
Date: 2024.07.01 15:03:11 -04'00'

Alexander Fernández-Pons
Administrative Law Judge