

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

In the Matter of:

THOMAS McDONALD,

Petitioner.

Docket No. 24-VH-0022-AG-016
(Claim No. 721021122)

August 21, 2024

ORDER OF DISMISSAL

24 C.F.R. § 26.4 (c) provides, “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, 24 C.F.R. § 26.4 (d) 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.”

On November 7, 2023, Petitioner filed a *Request for Hearing* for the Tribunal to review HUD’s determination that Petitioner owed the subject debt. Petitioner failed to comply with the Tribunal’s *Notice of Docketing* issued on November 8, 2023, and subsequent *Show Cause Order* in which the Tribunal specifically stated, “If a party fails to prosecute or defend an action, dismissal of the matter or a decision against that party may also be imposed.”

The lapse of time since November 2023 has provided Petitioner with opportunities to comply with the Tribunal’s *Orders* but Petitioner has failed to respond. So consistent with the provisions of 24 C.F.R. § 26.4 (c) and (d), Petitioner’s appeal is **DISMISSED WITH PREJUDICE** *sua sponte* for non-compliance with the Tribunal’s *Orders*. The stay of proceeding issued on November 8, 2023 is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall

Administrative Judge