

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

In the Matter of:

**Kenneth Garrity Jr.,**

Petitioner.

Docket No. 24-VH-0028-AG-021

Claim No. 721020907

June 12, 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 14, 2023, Petitioner filed a *Request for Hearing* for the Court to review HUD’s determination that Petitioner owed the subject debt. The *Secretary’s Statement* was filed on December 13, 2023, in response to the Court’s *Notice of Docketing* issued on November 17, 2023. Petitioner failed to comply with the *Notice* and subsequent *Show Cause Order* in which the Court 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)-(d), including judgment entered on behalf of the opposing party, dismissal of this action, or a decision based on the documents in the record of the proceeding.”

The lapse of time since November 2023 has provided Petitioner with opportunities to comply with the Court’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 Court’s *Orders*. The stay of proceeding issued on November 17, 2023, is hereby **VACATED**.

SO ORDERED.  
  
Vanessa L. Hall  
Administrative Judge