



Office of Appeals
U.S. Department of Housing and Urban Development
Washington, D.C. 20410-0001

In the Matter of:

Beverly R. Frierson,

Petitioner

HUDOA No. 10-H-CH-LL112
Claim No. 780708613

Beverly R. Frierson
1620 E. Broad Street
Columbus, OH 43203

Pro se

Sara Mooney, Esq.
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77 West Jackson Boulevard
Chicago, IL 60604

For the Secretary

ORDER OF DISMISSAL

In 24 C.F.R. § 17.152(b) it provides that failure by the Petitioner to submit evidence within 65 calendar days from the date of the Department's Notice of Intent, will result in a dismissal of Petitioner's request for review by the HUD Office of Appeals.

Petitioner states "I am writing to express my hardship. All of my Federal Tax money was taken by HUD due to a debt that was owed. At this time I have nothing[.] I am unemployed since November 13, 2009." (Petitioner's Request for Hearing, filed March 22, 2010.)

Petitioners were ordered on three occasions to submit documentary evidence that would otherwise prove the alleged debt was unenforceable or not past due, but Petitioner failed to comply with any of the Orders. (Order, dated May 11, 2010; Order to Show Cause, dated June 1, 2010.)

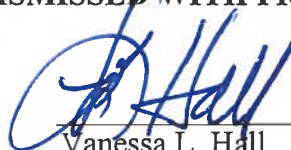
This Office acknowledges Petitioner's financial circumstances, but the law provides "unfortunately, in administrative offset cases evidence of financial hardship, no matter how compelling, cannot be taken into consideration in determining whether the debt is past-due and enforceable." *Edgar Joyner, Sr.*, HUDBCA No. 04-A-CH-EE052 (June 15, 2005); *Anna*

Filiziana, HUDBCA No. 95-A-NY-T11 (May 21, 1996); *Charles Lomax*, HUDBCA No. 87-2357-G679 (February 3, 1987). Financial adversity does not invalidate a debt or release a debtor from a legal obligation to repay it. *Raymond Kovalski*, HUDBCA No. 87-1681-G18 (December 8, 1986). Furthermore, no regulation or statute currently exist that permits financial hardship to be considered as a basis for determining whether a debt is past-due and enforceable in cases involving debt collection by means of administrative offset. Thus, consistent with case law precedent and statutory limitations, I find that financial hardship cannot be considered as a defense in this case as the debt owed by Petitioner is sought to be collected by means of administrative offset.

While this Office is not authorized to extend, recommend, or accept any payment plan, or consider any settlement offer on behalf of HUD, Petitioner may wish to discuss this matter with either Counsel for the Secretary, or submit a HUD Office Title I Financial Statement (HUD Form 56142) to Lester J. West, Director, HUD Financial Operations Center, 52 Corporate Circle, Albany, NY 12203-5121, who may be reached at 1-800-669-5152.

Upon due consideration of Petitioner's failure to comply with 24 C.F.R. § 17.152(b), and for good cause shown, Petitioner's appeal is DISMISSED *sua sponte*. It is hereby

ORDERED that this matter be **DISMISSED WITH PREJUDICE**.



Vanessa L. Hall
Administrative Judge

July 22, 2010