



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

In the Matter of:

Velma Sharp,

Petitioner

HUDOA No. 10-H-CH-LL159
Claim No. 7-710057710B

Velma Sharp
400 S. Front Street Apt. #9
Mart, TX 76664

Pro se

Sara Mooney, Esq.
U.S. Department of Housing and
Urban Development
Office of Regional Counsel
For Midwest Field Offices
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 do not believe that I owe the debt.....I was living at 405 N. Waco Street, Mart, TX 76664. I was needing some home repairs done for my house and had received a loan through HUD to help with the home repairs." Petitioner further states: "My home was never completed. HUD is still trying to charge me for it, and still have my deeds and everything and it has never been returned. (Petitioner's Request for Hearing, ("Request for Hearing," filed February 26, 2010.)

While Petitioner was ordered on three occasions to submit documentary evidence in support of her position, she failed to comply with any of those Orders in order to prove her case. (Notice of Docketing, Order, and Stay of Referral, dated September 24, 2010; Order, dated October 28, 2010; and Order to Show Cause, dated December 29, 2010.) This Office has

maintained consistently that “[a]ssertions without evidence are not sufficient to show that the debt claimed by the Secretary is not past due or enforceable.” *Bonnie Walker*, HUDBCA No. 95-G-NY-T300 (July 3, 1996.) As a result, Petitioner’s claim that challenges the proposed terms of the repayment of the garnishment amount fails for lack of proof.

Petitioner also states: “I would greatly appreciate your help in this matter as I do not believe that I owe this debt and would like to have the \$29,000 that has been said I owe dropped.”

While this Office is not authorized to extend, recommend, or accept any payment plan, or consider any settlement offer from Petitioner 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.

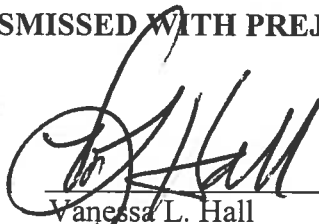
As a final point, Rule 26.3 of Title 24 of the Code of Federal Regulations provides:

If a party refuses or fails to comply with an Order of the hearing officer, the hearing officer may enter any appropriate order necessary to the disposition of the hearing including *a determination against a noncomplying party*. (emphasis added).

Accordingly, because Petitioner has failed to comply with any of the Orders issued by this Office, I find that Petitioner’s non-compliance to the Orders issued by this Office provides a basis for rendering a decision against Petitioner pursuant to Rule 26.3 of Title 24 of the Code of Federal Regulations.

Upon due consideration of Petitioner’s failure to comply with 24 C.F.R. § 17.152(b) and Rule 26.3 of Title 24 of the Code of Federal Regulations, Petitioner’s appeal is **DISMISSED** *sua sponte*. It is hereby

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



Vanessa L. Hall
Administrative Judge

February 15, 2011