



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

In the Matter of:

**Melissa Casados,**

Petitioner

HUDOA No. 10-H-CH-LL34  
Claim No. 7-711423920B

Melissa Casados  
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Pro se

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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 alleged

"My husband's and my income tax was withheld for many years, until 2008. The statue [sic] of limitations has been reached on this debt. It is over 10 years old and I do not believe you are able to offset a federal return that past its statue [sic] of limitations."

(Petitioner's Request for Hearing, filed February 17, 2010). Petitioner was ordered three times to submit documentary evidence in support of her claim, but failed to comply with either Order. (Notice of Docketing, Order and Stay of Referral, dated February 24, 2010; Order, March 26, 2010; Order to Show Cause, May 7, 2010.)

24 CFR §17.160 bars the Secretary's collection of debts by means of administrative offset "under more than 10 years after the Secretary's right to collect the debt first accrued." However, the governing statute in 31 USC § 3716 (e)(1) was amended in 2008

to eliminate the ten-year limitation.<sup>[1]</sup> The regulation implementing the statute is therefore superseded by the amended statute. As a result, no statute of limitations applies in this case.

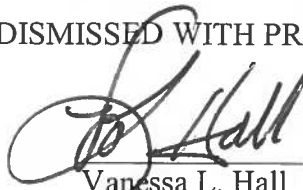
As a final point, Rule 26.3 of Title 24 of the Code of Federal Regulations provides:

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 also 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 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

June 25, 2010

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<sup>[1]</sup> On May 22, 2008, 31 U.S.C. 3716 (e)(1) was amended in Public Law No. 110-234, § 14219 to now state: Elimination of statute of limitations applicable to collection of debt by administrative offset.