



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

In the Matter of:

Gabriela Gonzalez,

Petitioner

HUDOA No. 10-H-CH-LL44
Claim No. 770974308

Gabriela Gonzalez
P.O. Box 1578
Brownsville, TX 78522

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, "By this letter we would like to inform you that the debt you are trying to collect from Gabriela Gonzales is not past due nor legal and not enforceable, therefore it is not owed to HUD. Please provide review of HUD's initial determination or documents that prove that debt is past due and legally enforceable and belongs to Gabriela Gonzales or other parties involved." (Petitioner's Request for Hearing, filed February 17, 2010).

This Office issued a Notice of Docketing, Order, and Stay of Referral ("Notice of Docketing") to Petitioner in which Petitioner was informed:

Documents relating to this alleged debt are not in the possession of this Office. Petitioner may request copies of these documents by writing to: Kim McManus, U.S. Department of Housing and Urban Development,

Financial Operations Center, 52 Corporate Circle,
Albany, NY 12203. (Emphasis in original.)

(Notice of Docketing, p.2, dated February 24, 2010.)

Petitioner was ordered on three occasions to submit documentary evidence in support of her claim, but failed to comply with either Order. (Order, March 31, 2010; Order, May 12, 2010; Order to Show Cause, June 18, 2010.)

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), Petitioner's appeal is **DISMISSED** *sua sponte*. It is hereby

ORDERED that this matter be dismissed with prejudice.



Vanessa L. Hall
Administrative Judge

August 17, 2010