



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

In the Matter of:

Lucy Winningham,

Petitioner

HUDOA No. 10-H-CH-LL48
Claim No. 780175086

Lucy Winningham
P.O. Box 214
Arp, TX 75750-0214

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 "Please send review of initial determination and other pertinent information." (Petitioner's Request for Hearing, filed February 17, 2010).

Petitioner was issued a Notice of Docketing, Order, and Stay of Referral on February 24, 2010 in which Petitioner was informed that:

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.

Petitioner was also ordered in the Notice of Docketing to file the necessary documentary evidence in support of her claim.

Petitioner was again ordered to submit documentary evidence in support of his claim, but also failed to comply with that Order. (Order to Show Cause, filed May 7, 2010.)

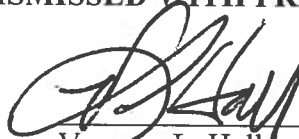
Furthermore, Rule 26.3 of Title 24 of the Code of Federal Regulations provides:

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 pursuant to Rule 26.3 of § 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

June 29, 2010