



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

In the Matter of:

**Kenneth W. Perry,**

Petitioner

HUDOA No. 10-H-CH-LL54  
Claim No. 7-709986610A

Charles Drukis, Esq.  
Attorney at Law  
3150 Packard Road  
Ypsilant, MI 48197

For Petitioner

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. As of February 15, 2010, Petitioner alleged, through counsel, "The debt is not legally enforceable, and evidence will be presented. A request for the records has been made simultaneously with this request. The evidence will be available when the records are received." (Petitioner's Request for Hearing, filed February 23, 2010). Petitioner has since been ordered twice to submit documentary evidence in support of his claim, but failed to comply with either Order.

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)

Petitioner was also ordered, in the Notice of Docketing, to submit documentary evidence in support of his claim. (Id.)

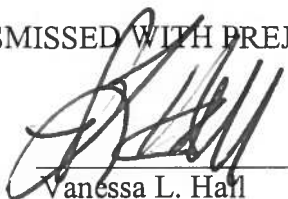
Furthermore, Rule 26.3 of Title 24 of the Code of Federal Regulations provides:

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 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

June 30, 2010