



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

In the Matter of:

Jose Garibaldi,

Petitioner

HUDOA No. 10-H-CH-LL77
Claim No. 7-711273101A

Jose Garibaldi
4405 Half 58th Street
Maywood, CA 90270

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. As of March 3, 2010, Petitioner alleged "I had never owned a house neither asked for a load [sic] to the government. I am very surprise to know that some body ask [sic] for a load [sic] in my behalf, and I will like to know how can we clarified this big issue for you guys and also for me right now that the economy is really bad." (Petitioner's Request for Hearing, filed March 9, 2010.)

This Office issued a Notice of Docketing, Order and Stay of Referral ("Notice of Docketing") to provide clarification for 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.) Petitioner has since been ordered twice to submit documentary evidence in support of his claim, but failed to comply with either Order.

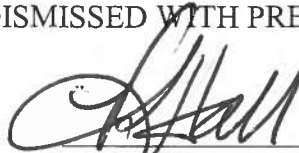
To date, Petitioner has not indicated that the requested information had not been received, and as such, was expected to comply with the Orders issued by this Office, but Petitioner failed to do so. Furthermore, Rule 26.3 of Title 24 of the Code of Federal Regulations provides:

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, and Petitioner's failure to submit documentary evidence in support of his claim, Petitioner's appeal is **DISMISSED** *sua sponte*. It is hereby

ORDERED that this matter be DISMISSED WITH PREJUDICE.



Vanessa L. Hall
Administrative Judge

July 28, 2010