



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

In the Matter of:

Angela Jaime,

Petitioner

HUDOA No. 10-H-CH-LL91
Claim No. 7-709567190B

Angela Jaime
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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.

On March 18, 2010 Petitioner submitted a letter in which she stated:

I have no record of nor did I apply for a Title I property improvement loan for any properties owned by me. Any property in question, that I owned, was sold over 15 years ago and no improvements were made on the property....This letter is to challenge/dispute this action. I am also requesting a review of HUD's initial determination as well as a copy or copies of such records related to this action. (Petitioner's Request for Hearing.)

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 March 19, 2010.)

Petitioner was also ordered, in the Notice of Docketing, to submit documentary evidence in support of her claim. (Id.) Thereafter, Petitioner was again ordered to submit documentary evidence in support of her position but failed to comply with either Order. (Order, dated May 11, 2010; Order to Show Cause, dated June 1, 2010.)

Furthermore, while Petitioner argues that the “property in question that I owned, was sold over 15 years ago...” the collection of this debt is not barred by the statute of limitations under 31 U.S.C. § 3716 (c)(1). The governing statute in 31 U.S.C. § 3716 (e)(1) was amended in 2008 to eliminate the ten-year limitation.^[1] The regulation, 24 CFR §17.160, implementing the statute is therefore superseded by the amended statute under 31 USC § 3716 (e)(1). As a result, no statute of limitations applies in this case.

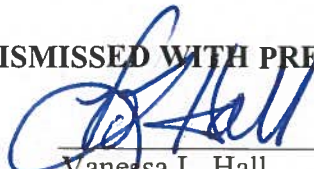
As a final point, Rule 26.3 of Title 24 of the Code of Federal Regulations provides:

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 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

July 22, 2010

^[1] 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.