



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

In the Matter of:

Tony Deese,

Petitioner

HUDOA No. 10-H-NY-LL02
Claim No. 7-210058910A

Tony Deese
754 Sheridan Avenue
Brooklyn, NY 11206

Pro se

Julia Murray, Esq.
U.S. Department of Housing and
Urban Development
Office of Assistant General Counsel
For New York/New Jersey Field Offices
26 Federal Plaza, Room 3237
New York, NY 10278

For the Secretary

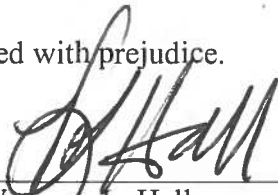
ORDER OF DISMISSAL

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 "The Mortgage Information Services were suppose to make sure that all debts or judgments were paid. I['m] sending copies of our final disbursements." (Petitioner's Request for Hearing, filed October 19, 2009). Petitioner further alleged "We still owed this house and still are in hardship of paying our mortgage... We [are] sending a financial statement that our attorney sent to Saxon that is reporting all our bills and why we are in hardship." (Id.) Petitioner was ordered on three occasions to submit documentary evidence in support of her claim, but failed to comply with any of the issued Orders. (Notice of Docketing, Order and Stay of Referral, dated October 21, 2009; Order, dated December 18, 2009; and Order, dated February 5, 2010.)

Furthermore, in administrative offset cases such as the instant case, "evidence of financial hardship, no matter how compelling, cannot be taken into consideration in determining whether the debt is past-due and enforceable. *Edgar Joyner, Sr.*, HUDBCA No. 04-A-CH-EE052 (June 15, 2005); *Anna Filiziana*, HUDBCA No. 95-A-NY-T11 (May 21, 1996); *Charles Lomax*, HUDBCA No. 87-2357-G679 (February 3, 1987).

Upon due consideration of Petitioner's failure to comply with 24 C.F.R. § 17.152(b), and for good cause shown, Petitioner's appeal is **DISMISSED** *sua sponte*. It is hereby

ORDERED that this matter be dismissed with prejudice.



Vanessa L. Hall
Administrative Judge

February 26, 2010