



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

In the Matter of:

Mary Duncan Blanton,

Petitioner

HUDOA No. 10-H-NY-LL18
Claim No. 7-801238960B

Mary Duncan Blanton
425 Gettys Road
Ellenboro, NC 28040

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 "In regards to your letter I received, you have already done this. I just started receiving my Federal back last year. Would you please review your records." (Petitioner's Request for Hearing, filed February 17, 2010). Petitioner was ordered three times to submit documentary evidence in support of his claim, but failed to comply with any of the Orders. (Notice of Docketing, Order, and Stay of Referral, dated February 19, 2010; Order, dated April 14, 2010; and Order to Show Cause, dated May 6, 2010.)

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

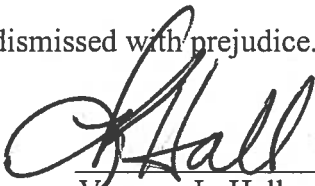
If a party refuses or fails to comply with an Order of the hearing officer, the hearing officer may enter any appropriate order necessary to the disposition of the

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 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

June 25, 2010