



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

In the Matter of:

**Ernest Gregory,**

Petitioner

HUDOA No. 10-H-NY-LL36  
Claim No. 7-710379640A

Ernest Gregory  
301 Gene Avenue  
Charlotte, NC 28205

Pro se

Julia Murray, Esq.  
U.S. Department of Housing and  
Urban Development  
Office of Regional 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, through counsel,

Please take this correspondence as our notice of representation of Mr. Ernest Gregory and Ms. Barbara Gregory concerning any attempts to collect an alleged debt to HUD by exercising Treasury offset or any other method of collection.

Please note our contention that Ms. Barbara Gregory is not legally obligated concerning the debt referenced. Resultantly, we are requesting a review of HUD's determination that the debt is past-due and legally enforceable.

Please further note our intent to present evidence supporting these contentions.

(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 24, 2010; Order, dated March 26, 2010; Order to Show Cause, dated May 7, 2010.)


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**.

  
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Vanessa L. Hall  
Administrative Judge

June 30, 2010