



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

In the Matter of:

Sonja Aird,

Petitioner

HUDOA No. 11-H-CH-LL48

Claim No. 7-210070890A

Sonja Aird
2515 57th Avenue SW
Seattle, WA 98116

Pro se

Amy Jo Conroy, 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. (Pet'r's Hr'g Req., filed Aug. 24, 2011.) Petitioner filed a copy of a Chapter 7 discharge in bankruptcy. (Pet'r's Hr'g Req.) However, the discharge only released Petitioner's ex-husband and therefore did not affect Petitioner's debt obligations. (*Id.*)

Petitioner thereafter was informed that the evidence she submitted was insufficient and she was ordered twice to submit documentary evidence that would otherwise support her position and prove that the alleged debt was not enforceable against her. Petitioner again failed to comply with the subsequent Orders. (*See* Order, dated October 7, 2011; and Order to Show Cause, dated November 18, 2011.) This Court has consistently maintained, "[a]ssertions without evidence are not sufficient to show that the debt claimed by the Secretary is not past due or enforceable." *Troy Williams*, HUDOA No. 09-M-CH-AWG52, (June 23, 2009) (citing, *Bonnie Walker*, HUDBCA No. 95-G-NY-T300, (July 3, 1996)). As such, Petitioner's claim fails for lack of proof.


Furthermore, Rule 26.4(c) 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 failed to comply with any of the Orders issued by this Court, I find that Petitioner's non-compliance to the Orders issued by this Court provides a basis for rendering a decision against Petitioner pursuant to Rule 26.4 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 pursuant to 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

January 20, 2012