



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

In the Matter of:

**Carolyn Perry,**

Petitioner

HUDOA No. 11-H-NY-LL57

Claim No. 7-210071230A

**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 alleges, "I have no knowledge of owing the Department of Housing and Urban Development (HUD) any money much less \$3,059.53." (Pet'r's Req. for Hr'g., filed Sept. 20, 2011). Petitioner also states "I have been paying my mortgage for over 30 years and not have once did I get a letter or e-mail in reference to such [debt]." (Id.)

Petitioner was issued a Notice of Docketing, Order, and Stay of Referral on September 20, 2011 in which Petitioner was informed that:

**Documents relating to this alleged debt are not in the possession of this Office. Petitioner may request copies of these documents by writing to: Debra Mele Cox, U.S. Department of Housing and Urban Development, Financial Operations Center, 52 Corporate Circle, Albany, NY 12203.**

Petitioner also was ordered in the Notice of Docketing to submit documentary evidence in support of her position.

Petitioner thereafter was twice ordered to submit documentary evidence in support of her claim, but again failed to comply with the subsequent Orders. (Order, dated November 16, 2011; Order to Show Cause, dated December 30, 2011.) This Court has consistently maintained that, "[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.

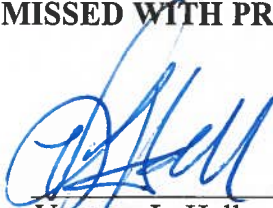
Furthermore, Rule 26.4 (c) of Title 24 of the Code of Federal Regulations provides:

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(c) 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 26.4(c) 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

March 27, 2011