

UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF HEARINGS AND APPEALS

In the Matter of:

**HOWARD A. HEARN,**

Petitioner

HUDOA No. 11-M-NY-LL33  
Claim No. 76-5161507

September 5, 2012

**RULING AND ORDER OF DISMISSAL**

On June 7, 2011, the Secretary filed the Secretary's Statement in this case. On June 9, 2011, Petitioner was ordered to file documentary evidence to prove that the alleged debt to the Department in this case is not owed, or is not past due. Petitioner failed to comply with the June 9, 2011 Order. The June 9, 2011 Order stated that:

Failure to comply with this Order shall result in a decision based on the documents in the record of this proceeding, or possible sanctions, including entry of judgment in favor of the opposing party.

Order, dated June 9, 2011 (emphasis in original).

Accordingly, it is

**ORDERED**, that Petitioner's Request for Hearing in this case is **DISMISSED**, *sua sponte*. It is

**FURTHER ORDERED**, that this Court finds that Petitioner is indebted to the Department in the amounts alleged by the Secretary. The Stay of Referral entered in this case May 18, 2011 is hereby **VACATED**, and the Secretary is authorized to proceed with administrative offset of any government payments otherwise due to Petitioner.



H. Alexander Manuel  
Administrative Judge