



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

In the Matter of:

**Christopher Cobb,**

Petitioner

HUDOA No. 12-H-CH-PP01  
Claim No. 7-210071750A

**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 "I do not believe I owe this debt and wish to challenge HUD's initial determination of said debt." (Petitioner's Request for Hearing, filed October 3, 2011).

Petitioner thereafter was ordered on three occasions to submit documentary evidence in support of his claim, but Petitioner failed to comply with any of the Orders issued by this Court. (Notice of Docketing, Order, and Stay of Referral, dated October 4, 2011; Order, dated November 16, 2011; and Order to Show Cause, dated December 30, 2011.) This Court has 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:

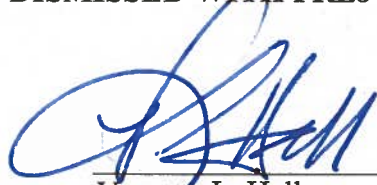
If a party refuses or fails to comply with an Order of the hearing officer, the hearing officer may enter any appropriate order necessary to the disposition of the hearing including a *determination against a noncomplying party*.

(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 with the Orders issued by this Office 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**.



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Vanessa L. Hall  
Administrative Judge

March 13, 2012