

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

In the Matter of:

Darlene and Daniel Thornley,

Petitioners.

19-VH-0002-AO-001

7-210137170

April 22, 2019

ORDER OF DISMISSAL

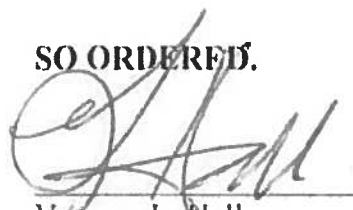
In 24 C.F.R. §§17.69 (b) and 26.4 (c) it provides, in general, that failure by the Petitioners to submit evidence within 60 calendar days from the date of the Department's Notice of Intent will result in a dismissal of Petitioners' request for review by the HUD Office of Hearings and Appeals.

On October 5, 2018, Petitioners alleged in their *Request for Hearing* that "The enclosed letter regarding a loan taken by myself and my husband has been paid with the sale of our previous home. I am not sure why it is not showing as paid under my name. I have requested proof of this payment and am still awaiting it from the attorney for our realtor. As soon as it is received [,] I will forward it to you." To date, no evidence has been filed by Petitioners in support of their claim that the subject debt owed to HUD was paid off, or that Petitioners were released from their obligation for the subject debt." Petitioners also have failed to comply with any of the Court's subsequent *Orders* to produce such evidence. See *Order for Documentary Evidence* dated November 27, 2018; *Order Granting Leave to File*, January 28, 2019; *Order to Show Cause* dated March 14, 2019. The *Order to Show Cause* last issued by the Court specifically stated "**Failure to comply with this Order shall result in sanctions being imposed by the Court pursuant to 24 C.F.R. § 26.4 (c) and (d), including judgment being entered on behalf of the opposing party.** (Emphasis added). Petitioners again failed to comply on multiple occasions as so ordered.

Consistent with the provisions of 24 C.F.R. §§ 17.69 (b) and 26.4 (c), Petitioners' appeal is **DISMISSED WITH PREJUDICE** *sua sponte* because of Petitioners' non-compliance with the Court's *Orders* to produce the necessary evidence for the Court's review.

The stay of proceeding issued on October 5, 2018 is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall
Administrative Judge