

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

In the Matter of:

Cody and Kendra Barker,

Petitioners.

Docket No. 23-VH-0052-AO-009

Claim No. 7-721019409

November 15, 2023

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 February 2, 2023, Petitioners filed a *Request for Hearing* to review HUD's determination that Petitioners owed the subject debt. There is no record of evidence in support of Petitioners' claim that the subject debt does not exist or that Petitioners were released from the contractual obligation to pay the subject debt. To date, Petitioners have failed to comply with any of the Court's *Orders* on February 3, 2023, June 8, 2023, and August 21, 2023 to produce sufficient evidence to refute the Secretary's position.

The *Order to Show Cause* issued by the Court to Petitioners on August 21, 2023 specifically states "Failure to comply with this Order may result in sanctions being imposed by the Court pursuant to 24 C.F.R. § 26.4(c)-(d), including judgment entered on behalf of the opposing party, dismissal of this action, or a decision based on the documents currently available in the record of this proceeding. (Emphasis added). The lapse of time since January 2022 has provided Petitioners with several opportunities to comply with the Court's *Orders* but no response. As a result, the Court is unable to determine the credibility of Petitioners' argument in the absence of such evidence.

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

The stay of proceeding issued on February 3, 2023 is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall
Administrative Judge