

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

In the Matter of:

**Joshua P. Akers, TSgt, USAF**

Petitioner.

Docket No. 23-VH-0057-AO-012

Claim No. 7-808164320A

January 10, 2024

**ORDER OF DISMISSAL**


In 24 C.F.R. §§17.69 (b) and 26.4 (c) it provides, in general, that failure by the Petitioner to submit evidence within 60 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 Hearings and Appeals.

On February 14, 2023, Petitioner filed a *Request for Hearing* to review HUD's determination that Petitioner owed the subject debt. There is no record of evidence in support of Petitioner's claim that the subject debt was not owed or was paid off, or that Petitioner was released from the contractual obligation to pay the subject debt. To date, Petitioner has failed to comply with any of the Court's *Orders* on February 17, 2023, June 8, 2023, or to a *Show Cause Order* on August 21, 2023 to produce sufficient evidence to prove HUD issued Petitioner a written release from the subject debt. The *Order to Show Cause* issued by the Court to Petitioner on August 23, 2023 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 or dismissal of this action.** (Emphasis added). Petitioner again failed to comply as ordered. The lapse of time since January 2023 has provided Petitioner with opportunities to comply with the Court's *Orders* but Petitioner has failed to comply. As a result, the Court is unable to determine the credibility of Petitioner's 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), Petitioner's appeal is **DISMISSED WITH PREJUDICE** *sua sponte* due to Petitioner's non-compliance with the Court's *Orders* to produce sufficient evidence for the Court's review.

The stay of proceeding issued on February 17, 2023 is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall  
Administrative Judge