

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

In the Matter of:

**Cesar De La Rosa,**

Petitioner.

Docket No. 23-VH-0145-AO-039

Claim No. 7-210213160A

March 15, 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 August 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 in full. To date, Petitioner has failed to comply with subsequent Court *Orders* on August 16, 2023 or on February 1, 2024 to produce sufficient evidence to otherwise prove her position. The *Order to Show Cause* issued by the Court to Petitioner on February 1, 2024 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 March 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 August 16, 2023 is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall  
Administrative Judge