

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

In the Matter of:

**Mary L. Goss,**

Petitioner.

15-VH-0064-AO-015

7-807710900B

July 13, 2016

**ORDER OF DISMISSAL**

Title 24 of the Code of Federal Regulations, Section 17.69 (b) provides 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 Court.

Upon filing her *Request for Hearing*, Petitioner was ordered to submit documentary evidence in support of her position. See *Notice of Docketing*, dated April 21, 2015. Petitioner failed to respond to the Court's order. Petitioner subsequently was ordered again on June 8, 2015 and July 13, 2015, to submit documentary evidence that would prove that the alleged debt was unenforceable or not past due. Again, there is no evidence in the record of Petitioner's compliance with any of the Court's orders.

Unfortunately, Petitioner's allegation of financial hardship is not sufficient. In administrative offset cases such as Petitioner's, evidence of financial hardship, no matter how compelling, cannot be taken into consideration in determining whether the debt is past-due and enforceable." *Edgar Joyner, Sr.*, HUDBCA No. 04-A-CH-EE052 (June 15, 2005); *Anna Filiziana*, HUDBCA No. 95-A-NY-T11 (May 21, 1996); *Charles Lomax*, HUDBCA No. 87-2357-G679 (February 3, 1987). Furthermore, no regulation or statute currently exist that permits financial hardship to be considered as a basis for determining whether a debt is past-due and enforceable in cases involving debt collection by means of administrative offset.

Without evidence from Petitioner to prove that the debt alleged is otherwise unenforceable, Petitioner remains legally obligated to pay the alleged debt in the amount so claimed by the Secretary. As a result, Petitioner has failed to show cause why this Court should not enter a judgment in favor of the Secretary to collect accordingly.

Therefore, consistent with the provisions of 24 C.F.R. § 17.69 (b), Petitioner's appeal is now **DISMISSED WITH PREJUDICE** *sua sponte*.

SO ORDERED



Vanessa L. Hall  
Administrative Judge