

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

In the Matter of:

Wendy Wacasey Barker,

Petitioner.

16-AM-0129-AO-023

7-210083530A

October 26, 2017

RULING AND ORDER OF DISMISSAL

On June 22, 2017, Petitioner was ordered to show cause why her appeal should not be dismissed. The *Show Cause Order* stated that:

Petitioner may demonstrate proper cause by filing documentary evidence to prove that Petitioner is not indebted to the Department in the amounts claimed by the Secretary, that the debt is improperly calculated, or that it is legally unenforceable. Petitioner may file an affidavit or declaration in support of her documentary evidence and legal argument in this case.

(emphasis added). On July 10, 2017, Petitioner filed her *Answer to Secretary's Response* ("*Petitioner's Answer*"), wherein she argued that the HUD Financial Operations Center of the Asset Recovery Division somehow misrepresented the facts surrounding her liability for the alleged debt in this case. The Court notes for the record, however, that Petitioner's *Answer* failed to provide "documentary evidence to prove that Petitioner is not indebted to the Department in the amounts claimed by the Secretary, that the debt is improperly calculated, or that it is legally unenforceable." Indeed, *Petitioner's Answer* states that she "has never confirmed nor denied the responsibility of the debt but rather sought further understanding and unbiased judicial review." The *Order to Show Cause* stated that:

Failure to comply with this Order shall result in the immediate entry of judgment in favor of the opposing party or in the imposition of such other sanctions as the Administrative Judge deems necessary or appropriate in this case. See 24 C.F.R. §26.4(d).

(emphasis in original).

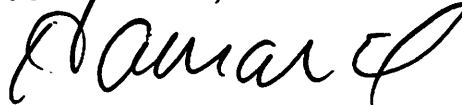
The Court has provided Petitioner with more than a year to obtain relevant documents from the Department, and to sort out her claims filed with the U.S. Bankruptcy Courts for the Northern and Eastern Districts of Texas. The Secretary has come forward with substantial evidence to prove that Petitioner is indebted to the Department in the amounts claimed by the Secretary. See *Secretary's Statement*, dated August 29, 2016, including Exhs. 1 and 2;

Secretary's Response to Order to Show Cause, dated March 1, 2017, including Exhs. 1 and 2. Petitioner, however, has failed to come forward with documentary evidence in compliance with the Court's *Show Cause Order*. Accordingly, Petitioner's appeal is hereby DISMISSED, *sua sponte*. It is

ORDERED, that Plaintiff's appeal is DISMISSED, without prejudice. It is

FURTHER ORDERED, that the *Stay of Referral* of this debt to the U.S. Department of the Treasury for collection, entered on August 17, 2016, is hereby VACATED.

SO ORDERED,

A handwritten signature in black ink, appearing to read "H. Alexander Manuel", written in a cursive style.

H. ALEXANDER MANUEL
Administrative Judge