

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

In the Matter of:

Delia Sotomayor,

Petitioner.

16-VH-0113-AO-018

7210066960B

November 3, 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.

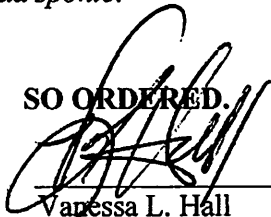
Petitioner's allegation that the alleged debt was paid in full has since been proven to be unsupported by the record. Upon filing her *Request for Hearing*, Petitioner was ordered to submit documentary evidence in support of her position. See Notice of Docketing, dated July 7, 2016. Petitioner failed to respond to the Court's order. Petitioner subsequently was ordered again on August 7, 2016 and August 31, 2016, to submit documentary evidence that would prove that the alleged debt was unenforceable or not past due. To date, Petitioner has failed to comply with any of the Court's orders.

The Secretary has produced evidence that instead proves that Petitioner's full payment was subsequently reversed by the Department of Treasury. See Secretary's Statement, filed August 29, 2016, Exhibit 2, ¶ 7; Exhibit 2B. Without evidence from Petitioner to either refute the Secretary's evidence or otherwise prove that the debt alleged is unenforceable, Petitioner remains legally obligated to pay the alleged debt in the amount so claimed by the Secretary.

In addition, Petitioner's failure to show cause why this Court should not enter a judgment in favor of the Secretary results in this finding.

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