

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

In the Matter of:

Sarah C. Camerer,

Petitioner.

16-VH-0134-AO-025

7-210085490A

May 23, 2017

ORDER OF DISMISSAL

In 24 C.F.R. § 26.4 (c) it 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 HUD Office of Appeals.

On August 24, 2016, Petitioner alleged in her *Request for Hearing* that, "I was completely unaware of this debt. In light of that, I would like to request a copy of HUD's records in relation to this debt. I have also requested other documents from my mortgage company." Petitioner also alleged that, "[w]e obtained a 'loan modification,' based on need in the amount disputed. Once the trial ended, we were awarded a settlement that allowed us to pay off our mortgage. This was a relief, as we have 3 young children and a permanently disabled husband. Since doing that, we have struggled in every capacity to keep our heads above water."

Petitioner was informed in her *Notice of Docketing* that if she needed additional information, "**Documents relating to this alleged debt are not in the possession of this Court. Petitioner may request copies of these documents by writing to: Cheryl Dobert, U.S. Department of Housing and Urban Development, Financial Operations Center, 52 Corporate Circle, Albany, NY 12203.**" (Emphasis in original) Petitioner was twice ordered, on October 5, 2016 and November 14, 2016, to submit documentary evidence in support of her claim but, to date, has failed to comply.

Petitioner also was informed in both Orders that, "**Failure to comply with this Order shall result in sanctions being imposed by the Court pursuant to 24 C.F.R. § 26.4 (c), including judgment being entered on behalf of the opposing party.**" (Emphasis in original) Finally, while this Court acknowledges Petitioner's financial circumstances, no regulation or statute currently exist that permits financial hardship to be considered as a basis for determining the enforceability of an alleged debt by means of administrative offset.

Upon due consideration of Petitioner's non-compliance, and consistent with the provisions set forth in 24 C.F.R. § 26.4 (c), Petitioner's appeal is DISMISSED *sua sponte*. It is hereby

ORDERED that this matter be **DISMISSED WITH PREJUDICE**.

SO ORDERED.



Vanessa L. Hall
Administrative Judge