

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

In the Matter of:

Wilson J. Jolivette,

Petitioner.

17-VH-0129-AO-070

780726433

April 1, 2019

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.

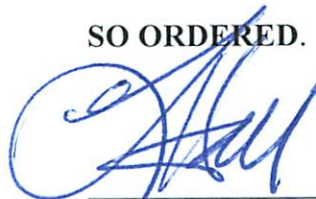
To date, Petitioner has failed to offer any evidence that proves that the subject debt is not past due or unenforceable, or to prove that HUD has provided directly to Petitioner a written release from his obligation to pay the subject debt. The Court ordered Petitioner to provide evidence in support of his position multiple times, but Petitioner failed to comply with the Court's Orders as required. As a result, the Court is unable to determine the credibility of Petitioner's argument without any evidence. To date, despite the extended period of time from 2017 to the present that Petitioner has had opportunities to submit the necessary evidence, the record remains void of the evidence needed for the Court's review.

The *Order to Show Cause* last issued on October 16, 2017 by the Court 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).

Consistent with the provisions of 24 C.F.R. §§ 17.69 (b) and 26.4 (c), Petitioner's appeal is **DISMISSED WITH PREJUDICE** *sua sponte* due to non-compliance with the Court's *Orders* and lack of evidence.

The stay of proceeding issued on July 19, 2017 is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall
Administrative Judge