

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

In the Matter of:

Ruth Kingan,

Petitioner.

18-AM-0097-AO-030

7-807970790A

December 20, 2018

RULING AND ORDER OF DISMISSAL

On January 19, 2018, this Court ordered Petitioner to file documentary evidence, on or before February 19, 2018, to prove that all or part of the alleged debt in this case is either unenforceable or not past due. *Notice of Docketing, Order, and Stay of Referral*, dated January 19, 2018. Petitioner failed to comply with this *Order*. On March 19, 2018, the Court again ordered Petitioner to file documentary evidence in support of Petitioner's appeal, on or before April 13, 2018. *Order*, dated March 19, 2018. The March 19th Order specifically warned that "[f]ailure to comply with [the] Order may result in a judgment being entered in favor of the opposing party . . . or such other sanctions as the Administrative Judge deems necessary and proper." Petitioner also failed to comply with the *March 19th Order*. Finally, Petitioner was issued a show cause order on June 7, 2018 directing her to file documentary evidence on or before June 22, 2018, in support of her appeal. Petitioner failed to comply with the *June 7, 2018 Show Cause Order* as well. The Court notes for the record that Petitioner did file her tax returns and other information regarding her financial circumstances on March 13, 2018 and June 15, 2018. However, financial hardship is not a matter to be taken into consideration in Treasury Offset cases such as in this case. Having afforded Petitioner three opportunities to file documentary evidence to prove that she is not indebted to the Department - all to no avail, the Court will allow this action to proceed. Accordingly, it is

ORDERED that this appeal is **DISMISSED**, *sua sponte*, and *without prejudice*. It is

FURTHER ORDERED that the Stay of Referral previously entered in this case on January 19, 2018 is hereby **VACATED**.

SO ORDERED,



H. ALEXANDER MANUEL
Administrative Judge