

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

In the Matter of:

Roxann Reagan,

Petitioner.

18-AM-0184-AO-056

7-807988790B

July 16, 2019

RULING AND ORDER OF DISMISSAL

On July 12, 2019, the Secretary filed his *Motion to Dismiss* in this case, seeking dismissal of Petitioner's appeal for want of prosecution. On May 31, 2018, this court ordered Petitioner to file documentary evidence on or before July 1, 2018, in support of Petitioner's appeal. *Notice of Docketing, Order, and Stay of Referral*, dated May 31, 2018. On December 19, 2018, Petitioner was again ordered to file documentary evidence on or before January 17, 2019, to support his appeal. *Order to Show Cause Why This Case Should Not Be Dismissed ("Show Cause")*. In the *Show Cause*, Petitioner was specifically warned 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*). Petitioner failed to comply with the aforementioned orders, and has failed to come forward with any evidence to support Petitioner's appeal.

In the *Secretary's Motion to Dismiss*, the Secretary correctly points out that Petitioner has failed to comply with either of the aforementioned orders directing Petitioner to file documentary evidence in support of Petitioner's case. *Id.*, ¶¶ 3, 4. The Secretary also states that Petitioner's claim of financial hardship is not relevant in administrative offset cases such as this. (*citing, Matter of Teresa Swasey*, HUDOA No. 08-M-NY-JJ39, at p. 4 (February 25, 2009)). The Court agrees with the arguments set forth in the Secretary's motion. Upon consideration of the *Secretary's Motion to Dismiss*, and Petitioner's want of prosecution in this case, the Secretary's motion is GRANTED. Therefore, it is

ORDERED that this appeal is hereby **DISMISSED**, *with prejudice*. The Stay of Referral to the U.S. Department of the Treasury entered on May 31, 2018, is **VACATED**.

SO ORDERED,



H. ALEXANDER MANUEL
Administrative Judge