

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

In the Matter of:

**Jeffrey and Jennifer Dowell,**

Petitioners.

18-VH-0096-AO-029

7-210120860A

June 12, 2018

**ORDER OF DISMISSAL**

In 24 C.F.R. §§17.69 (b) and 26.4 (c) it provides, in general, that failure by the Petitioners to submit evidence within 60 calendar days from the date of the Department's Notice of Intent will result *in a dismissal of Petitioners' request for review* by the HUD Office of Hearings and Appeals. (Emphasis added).

On January 18, 2018, Petitioners alleged in their *Request for Hearing* that "We believe this debt is not owed by us & is not enforceable. Wells Fargo did not apply this money properly...and failed to pay them proceeds from home sale. I want to review HUD's determination please." Petitioners did not file any evidence in support of their claim that the subject debt owed to HUD was paid off, or that Petitioners were released from their obligation for the alleged debt. To date, Petitioners have failed to comply with any of the Court's *Orders* to produce the necessary evidence to prove HUD issued them a written release from the subject debt. *See Notice of Docketing and Order* dated January 18, 2018; *Order for Documentary Evidence* dated February 21, 2018; *Order to Show Cause* dated May 9, 2018. The *Order to Show Cause* last issued 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 a dismissal of this action.**" (Emphasis in original). Petitioners again failed to comply as so ordered.

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

The stay of proceeding issued on January 18, 2018 is hereby **VACATED**.

**SO ORDERED:**



Vanessa L. Hall

Administrative Judge