

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

In the Matter of:

Calvin R. and Mattie E. McKnight,

Petitioners.

19-VH-0035-AO-009

7-210141530A

7-210141530B

July 15, 2019

**ORDER OF DISMISSAL AND
ORDER DENYING MOTION FOR EXTENSION**

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.

To date, Petitioners have failed to produce evidence that refutes the Secretary's claim or supports Petitioner's position that the subject debt was paid in full or is unenforceable, despite the Court ordering Petitioners to do so on five separate occasions. (*See Notice of Docketing* dated December 14, 2018; *Order Granting Leave* dated January 28, 2019; *Order Granting Extension* dated March 7, 2019; *Order for Documentary Evidence* dated May 23, 2019; and *Order to Show Cause* dated June 26, 2019). The *Order to Show Cause* issued recently by the Court on June 26, 2019 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). Petitioners again failed to comply as ordered.

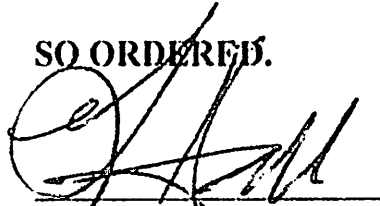
Instead, Petitioners now come before the Court on July 15, 2019 seeking a second *Motion for Extension of Time (Motion)* in which Petitioners request an extension of time to execute a repayment plan to pay the subject debt in full. Upon due consideration, Petitioners' second *Motion* is **DENIED** as moot.

While Petitioners may wish to negotiate repayment terms with the Department, this Court is not authorized to extend, recommend, or accept any payment plan or settlement offer on behalf of the Department. Petitioners may want to discuss this matter with Counsel for the Secretary or Michael DeMarco, Director, HUD Financial Operations Center, 52 Corporate Circle, Albany, NY 12203-5121, who may be reached at 1-800-669-5152, extension 2859.

But, 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 Petitioners noncompliance with the Court's *Orders* to produce the necessary documentary evidence for review.

The stay of proceeding issued on December 14, 2018 is hereby **VACATED**.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Vanessa L. Hall', written over a horizontal line.

Vanessa L. Hall
Administrative Judge