

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

In the Matter of:

Caren Lacuesta,

Petitioner

21-VH-0186-AG-102

721011730

January 12, 2023

ORDER FOR CLARIFICATION TO PETITIONER

On July 1, 2021, Petitioner filed her *Hearing Request* and then later filed her *Statement* without documentary evidence on June 2, 2022 in which she claims financial hardship in response to the proposed garnishment amount. On October 7, 2021, the Secretary filed her *Statement*, along with documentation in support of her position. In Petitioner’s responses she claimed financial hardship and also claimed that “We currently owe a little less than \$200k on our home, this garnishment adds another \$80+k. Our mortgage payment is about \$1,800/mo. The garnishment takes over \$900 per month from my salary. The total payment is now around \$2,700. I do know that during my illness my husband was trying to get in contact with HUD, but my recollection is very fuzzy about that time period.”

The existing record lacks sufficient evidence that would substantiate Petitioner’s financial hardship claim and further substantiate Petitioner’s current employment status. As a result, the Court needs Petitioner to provide additional documentary evidence in order for the Court to assess the credibility of Petitioner’s claims and ensure that her claims are fully considered and appropriately addressed. Therefore, it is hereby

ORDERED that, on or before February 13, 2023, PETITIONER SHALL FILE a response by providing:


- Verification of Petitioner’s current employment or unemployment status; or, if Petitioner is currently employed, copies of pay statements from October 2021 to the present;
- copies of bills such as utilities, mortgage payments, medical expenses, and automobile expenses along with proof of cancelled checks, receipts, or bills showing a record of payment as support for the expenses listed as paid monthly; or in the alternative, provide other documents showing payment of the same;
- proof of child support payments, if applicable, for each of the last six months;
- copies of payments made on credit card debt or other consumer loans for essential household expenses;

- proof of number and relationship of dependents living in Petitioner's household and proof of total income for all wage-earners, if any, in the household; and,
- Proof of a written release directly from HUD that the subject debt has been paid in full, should Petitioner still maintain that the subject debt does not exist or is unenforceable.

Failure to comply with this Order may result in sanctions being imposed by the Court pursuant to 24 C.F.R. § 26.4(c)-(d), including judgment entered on behalf of the opposing party, dismissal of this action, or a decision based on the documents currently in the record of this proceeding. Non-compliance, and timeliness of the same, shall be determined based on the Court's assessment of the record of the proceeding.

Based on the record, Petitioner seems to be interested in negotiating a settlement agreement with the opposing party. If this is still an option, then while this case is pending the parties are reminded and encouraged that they can engage in settlement negotiations to resolve this matter. If such discussions have not yet commenced or if such discussions have stalled, each party is reminded that pursuing this matter through hearing and possible appeals will require the expenditure of significant time and financial resources. *See Notice of Docketing* issued on July 1, 2021.

SO ORDERED.



Vanessa L. Hall
Administrative Judge