

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

In the Matter of:

PETER FURTADO,

Petitioner.

22-AM-0136-AG-094
(Claim No. 721015495)

November 14, 2023

ORDER OF DISMISSAL

On March 8, 2022, the Court received Petitioner's *Hearing Request* wherein Petitioner requested a hearing concerning the existence and amount of the debt claimed by the Secretary of the U.S. Department of Housing and Urban Development ("HUD"). Thereafter, the Court ordered the Secretary and Petitioner to file documentary evidence in support of their respective positions. The Secretary complied with the Court's order and filed a Secretary's Statement and supporting evidence on April 12, 2022. Petitioner did not comply or otherwise respond.

Having not received a timely filing from Petitioner, the Secretary moved for dismissal of this matter on June 28, 2023. The Court ordered Petitioner to show cause as to why this appeal should not be dismissed. Again, Petitioner did not comply or respond.

When a party fails to comply with an order of the Court, the Court may impose a sanction that reasonably relates to the severity and nature of the failure. 24 C.F.R. § 26.4. If a party fails to prosecute or defend an action, dismissal of the matter or a decision against that party may also be imposed. *Id.* at § 26.4(d).

To date, Petitioner has not complied with the Court's orders or otherwise produced evidence in support of his position that the debt is not past due or enforceable and that the proposed garnishment would cause him financial hardship. Accordingly, this matter is **DISMISSED**, and the stay of proceedings issued on March 22, 2022, is hereby **VACATED**.

So **ORDERED**,

**ALEXANDER
FERNANDEZ-
PONS**

Digitally signed by: ALEXANDER
FERNANDEZ-PONS
DN: CN = ALEXANDER FERNANDEZ-
PONS C = US O = U.S. Government OU
= Department of Housing and Urban
Development, Office of the Secretary
Date: 2023.11.14 16:17:06 -05'00'

Alexander Fernández-Pons
Administrative Law Judge