

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

In the Matter of:

JOSUE ZAVALA,

Petitioner.

23-AM-0131-AG-070
(Claim No. 721020182)

January 2, 2024

ORDER OF DISMISSAL

On July 20, 2023, the Tribunal received Petitioner's *Hearing Request* concerning an alleged debt claimed by the Secretary of the U.S. Department of Housing and Urban Development ("HUD"). In the *Hearing Request*, Petitioner claimed repayment of the alleged debt would cause financial hardship, and that they are also ineligible for garnishment because they have been employed in their current job for less than 12 months after being involuntarily terminated from their last employment.

The Secretary and Petitioner to file documentary evidence in support of their respective positions. The Secretary filed a *Secretary's Statement* and supporting evidence on September 8, 2023. Petitioner did not comply or otherwise respond. Having not received a timely filing from Petitioner, the Tribunal ordered Petitioner to show cause as to why their appeal should not be dismissed. Again, Petitioner did not comply or respond.

When a party fails to comply with an order of the Tribunal, the Tribunal 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 Tribunal's orders or otherwise produced evidence in support of their position. Accordingly, this matter is **DISMISSED**, and the stay of proceedings issued on July 28, 2023, 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: 2024.01.02 11:10:09 -05'00'

Alexander Fernández-Pons
Administrative Law Judge