

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

In the Matter of:

TERRY P. STARK, SR.,

Petitioner.

Docket No. 23-VH-0155-AG-086
(Claim No. 780823677)

September 5, 2024

ORDER OF DISMISSAL

24 C.F.R. § 26.4 (c) provides, “If a party refuses or fails to comply with an order of the hearing officer, including an order compelling discovery, the hearing officer may enter any appropriate order necessary to the disposition of the hearing including a determination against the noncomplying party[.]” Further, 24 C.F.R. § 26.4 (d) provides, “If a party fails to prosecute or defend an action brought under subpart A of this part, the hearing officer may dismiss the action or may issue an initial decision against the non-prosecuting or defending party.”

On August 29, 2023, Petitioner filed a *Request for Hearing* for the Tribunal to review HUD’s determination that Petitioner owed the subject debt. Petitioner failed to comply with the Tribunal’s *Notice of Docketing* issued on September 1, 2023, and subsequent *Show Cause Order* in which the Tribunal specifically stated, “If a party fails to prosecute or defend an action, dismissal of the matter or a decision against that party may also be imposed.” Petitioner submitted a copy of his pay stub and the Consumer Debtor Financial Statement but did not submit proofs of payment to prove financial hardship as ordered by the Tribunal.

The lapse of time since August 2023 has provided Petitioner with opportunities to comply with the Tribunal’s *Orders* but Petitioner has failed to respond. So consistent with the provisions of 24 C.F.R. § 26.4 (c) and (d), Petitioner’s appeal is **DISMISSED WITH PREJUDICE** *sua sponte* for non-compliance with the Tribunal’s *Orders*. The stay of proceeding issued on September 1, 2023, is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall

Administrative Judge