

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

In the Matter of:

RONALD TULOTTA,

Petitioner.

24-VH-0078-AG-053
(Claim No. 721018047)

July 26, 2024

ORDER DENYING PETITIONER'S MOTION TO REOPEN AND ORDER

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 February 29, 2024, the Court issued an *Order on Petitioner's Motion to Reopen* ("Order"), which held Petitioner's *Motion to Reopen* ("Motion") in abeyance to afford Petitioner the opportunity file documentary evidence on or before March 15, 2024. Petitioner failed to comply with the *Order* in which the Court specifically stated, "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 in the record of this proceeding."

The lapse of time since February 2024 has provided Petitioner with opportunities to comply with the Court's Order but Petitioner has failed to respond. So consistent with the provisions of 24 C.F.R. § 26.4 (c) and (d), Petitioner's *Motion* is **DENIED** for non-compliance with the Court's *Order*.

It is hereby **ORDERED** that the *Decision and Order*, 22-VH-0071-AG-053, Claim #721018047 that was issued in this matter on July 31, 2023 shall remain IN FULL FORCE AND EFFECT and SHALL NOT BE MODIFIED by this Court.

SO ORDERED.



Vanessa L. Hall
Administrative Judge