

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

In the Matter of:

EUGENA JONES,

Petitioner.

Docket No. 23-AM-0036-AG-025
(Claim No. 780703333)

July 23, 2024

ORDER OF DISMISSAL

On December 29, 2023, the Tribunal received Petitioner's *Request for Hearing* wherein Petitioner disputed the existence of the debt claimed by the Secretary of the U.S. Department of Housing and Urban Development ("HUD") and explains her wages were garnished from February 10, 2009, to April 2019, totaling at least \$13,000. Petitioner further questions why she must pay more than three years' worth of fees because HUD stopped garnishing her wages in 2019.¹

The Secretary now moves for dismissal of the matter because Petitioner's previous appeal of the subject debt was dismissed, with prejudice, due to Petitioner asserting that she did not dispute garnishment of her wages, confirmed her understanding of the balance due, and did not want a hearing. See Eugena Jones, HUDOA No. 19-AM-0109-AG-025 (June 11, 2019).

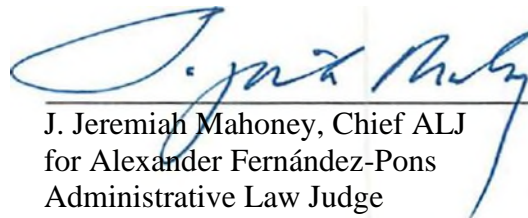
In this appeal, Petitioner does not want a hearing and is seeking an explanation as to why her garnishment was terminated in 2019, and later resumed. Since Petitioner does not dispute her indebtedness to HUD or claim financial hardship, the Secretary moves to dismiss this matter.

The Tribunal ordered Petitioner to show cause as to why her appeal should not be dismissed. 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).

¹ Petitioner may contact HUD Counsel assigned to this matter and the Financial Operations Center for more information regarding why the wage garnishment was previously paused.

To date, Petitioner has not complied with the Tribunal's order or otherwise produced evidence in support of the position that they do not owe the alleged debt. For good cause, the Secretary's *Motion to Dismiss* will be **GRANTED**, and this matter is **DISMISSED** with prejudice.

SO ORDERED,



J. Jeremiah Mahoney, Chief ALJ
for Alexander Fernández-Pons
Administrative Law Judge