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8-11-2009

ALEXANDRIA HAMILTON, Respondent

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BEFORE THE TENNESSEE HOUSING DEVELOPMENT AGENCY

IN THE MATTER OF:]
] **DOCKET # 32.00-102954J**
ALEXANDRIA HAMILTON,]
Respondent.]

INITIAL ORDER
OF DEFAULT AND DISMISSAL

This contested administrative case was heard on August 11, 2009, in the Knoxville Field Office of the Tennessee Housing Development Agency. On that date, the Administrative Judge, counsel for the Agency, and the Agency’s witnesses appeared, and were prepared to proceed with the hearing. The Respondent did not appear for the hearing, either in person or through legal counsel.

Based upon the Respondent’s failure to appear for the hearing, the Agency’s attorney moved for a finding that the Respondent was in default, and for dismissal of the Respondent’s appeal of the Agency’s decision to terminate her participation in the Housing Choice Voucher Program. Upon consideration of the motion and the entire record in this matter, it was determined that the Agency’s motion should be granted, as supported by the following Findings and Conclusions:

1. The Respondent was notified by Order that her failure to attend the hearing could result in the dismissal of her appeal.
2. The Respondent failed to appear for the hearing.
3. Rule 1360-4-1-.15(1)(a) of the “Uniform Rules of Procedure for Hearing Contested Cases before State Administrative Agencies” provides:

The failure of a party to attend or participate in a prehearing conference, **hearing** or other stage of contested case proceedings after due notice thereof **is cause for holding such party in default** pursuant to T.C.A. §4-5-309.

4. Based on her failure to appear for the hearing after proper notice, the Respondent was held in default, and the agency proceeded to present proof in support of the allegations contained in its Notice of Hearing.

5. From that evidence, it was found that the Respondent had violated certain rules as indicated in the “Housing Choice Voucher Program Family Responsibilities.”¹ Specifically, Ms. Hamilton vacated her unit without proper notice to THDA.

6. Failure of a participant in the Housing Choice Voucher Program to notify THDA of a change in status constitutes grounds for termination of her participation in the program. [*See*, 24 CFR 982.551.]

7. It is therefore concluded that the Agency’s decision to terminate the Respondent’s participation in the Housing Choice Voucher Program was appropriate and supported by the law.

Accordingly, it is **HEREBY ORDERED** that the Agency’s decision to terminate the Respondent’s participation in the Housing Choice Voucher Program is upheld, and the Respondent’s appeal of the Agency’s decision is **DISMISSED**.

This Initial Order entered and effective this 18th day of August, 2009.

Rob Wilson, Administrative Judge

¹ See Hearing Exhibit #2.

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 18th day of August, 2009.

A handwritten signature in cursive script that reads "Thomas G. Stovall". The signature is written in black ink and is positioned above a horizontal line.

Thomas G. Stovall, Director
Administrative Procedures Division