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Jada Savage vs. THDA

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BEFORE THE TENNESSEE HOUSING DEVELOPMENT AGENCY

IN THE MATTER OF:]	
]	DOCKET # 32.00-122325J
JADA SAVAGE,]	
Respondent.]	

INITIAL ORDER
FOLLOWING DEFAULT AND DISMISSAL

This contested administrative case was heard on February 7, 2014, in the Madison 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. This matter was initially set for hearing on October 11, 2013. At that hearing, the parties announced that they had reached an agreement whereby the case would be removed from the docket, to allow the Respondent to perform according to her “Repayment Agreement.” Their agreement provided that the case may be returned to the docket in the event of the Respondent’s failure to perform.

2. When the Respondent failed to perform according to her Agreement, the case was returned to the active docket, and the hearing was rescheduled for February 7, 2014. The Respondent was duly notified of the new hearing date and location. Despite that notification, 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 “Repayment Agreement” requires the Respondent to pay \$33.00 per month toward her debt obligation, and that she had made no payments for the last year (except a payment of \$1.00 in March 2013). After repeated warnings about delinquent payments, the Respondent still failed to comply with the repayment schedule, leaving a current unpaid balance of \$563.00.

6. The terms of the Respondent’s “Repayment Agreement” provide that failure of a participant to make timely payments is a sufficient basis to terminate enrollment in the Housing Choice Voucher Program. Additionally, under the terms of the program itself, failure to make rent payments in a timely manner constitutes grounds for termination of the Respondent’s 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 _____ day of _____ 2014.

J. Randall LaFevor, Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this
_____ day of _____ 2014.

A handwritten signature in black ink that reads "J. Richard Collier". The signature is written in a cursive style with a large, stylized initial "J".

J. Richard Collier, Director
Administrative Procedures Division