



UNITED STATES DEPARTMENT OF EDUCATION  
WASHINGTON, D.C. 20202

In the matter of

WORD OF LIFE BIBLE INSTITUTE,

Respondent.

Student Financial  
Assistance Proceeding

Emergency Action

ORDER

On December 17, 1992, the Office of Student Financial Assistance (OSFA) of the U.S. Department of Education (ED) imposed an emergency action against the Word of Life Bible Institute (Institute) of Pottersville, New York, in accordance with 20 U.S.C. §1094(c)(1)(G) and 34 C.F.R. §668.83. In response to the notice, on January 15, 1993, the Institute requested an opportunity to show cause why the emergency action is unwarranted. As well, on January 15, 1993, ED notified the Institute that it was no longer eligible to participate in the student financial assistance programs authorized by Title IV of the Higher Education Act of 1965, as amended.

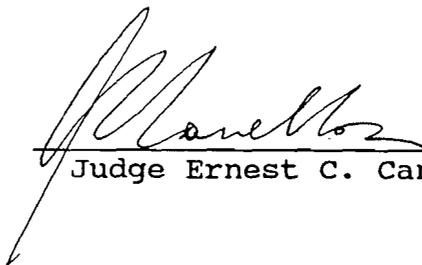
ED's contention in this matter was that as a result of the passage of the Higher Education Act Amendments of 1992, the Institute was not eligible to participate in the student financial assistance programs after October 1, 1992. Specifically, prior to October 1, 1992, the Institute had been eligible to participate in these programs under the transfer of credit alternative to accreditation, commonly referred to as 3-I-C. After that date, however, an institution must be, among other things, accredited or preaccredited by a nationally recognized accrediting agency to so qualify. Alleging that the Institute did not qualify under either of these alternatives and, therefore, it was no longer eligible to participate in federal student financial assistance programs, ED pursued its claim.

Pursuant to the Delegation of Authority from the Secretary to me to conduct proceedings and issue final decisions in such circumstances where educational institutions request an opportunity to show cause why an emergency action was unwarranted, I scheduled a hearing to be held in Washington,

D.C., on March 1, 1993. By letter of February 25, 1993, however, the Institute, through its counsel, Leslie H. Wiesenfelder, Esq., of Dow, Lohnes & Albertson of Washington, D.C., moved to withdraw its request for hearing. This motion was orally GRANTED on February 26, 1993.

I note that this matter came before me as part of a class of 3-I-C cases predicated upon the same facts. I observed in those cases that in accordance with 20 U.S.C. § 1094(c)(1)(G) and 34 C.F.R. §668.83, an emergency action cannot exceed 30 days unless a limitation, suspension or termination proceeding is initiated within that period of time. I found that ED had not taken the steps necessary to extend the emergency actions and, as a result, the emergency actions had lapsed by operation of law. Counsel for ED agreed. Therefore, I dismissed those emergency actions.

The emergency action was the only matter within my jurisdiction. However, for further discussion on this issue, see, generally, my decision In the Matter of Institute of Jewish Culture and Heritage, Docket No. 93-17-SX, dated March 10, 1993.



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Judge Ernest C. Canellos

Dated: March 12, 1993  
Washington, DC