



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

In the Matter of

Docket No. 04-22-SA

ALCORN STATE UNIVERSITY,

Student Financial
Assistance Proceeding

Respondent.

INITIAL DECISION

On March 5, 2004, Alcorn State University (Alcorn) filed a request for review of a final audit determination dated January 20, 2004. The determination sought the recovery of \$247,064. On April 21, 2004, the tribunal issued an Order Governing Proceedings that required Alcorn to file by June 4, 2004, its brief and exhibits supporting its appeal. Alcorn failed to comply with that order.

On November 24, 2004, the office of Federal Student Aid (FSA) filed a motion to dismiss the appeal and to uphold the liability sought based upon Alcorn's failure to comply the Order Governing Proceedings. Following the receipt of FSA's motion, the tribunal issued an Order to Show Cause on November 30, 2004, that noted Alcorn's failure to file its brief and supporting exhibits or any requests for additional time to comply with Order Governing Proceedings. The show cause order also reminded Alcorn of the tribunal's authority to terminate the action for noncompliance with the Order Governing Proceedings and provided Alcorn 14 days in which to file an explanation as to why its appeal should not be terminated for failure to prosecute its case. Alcorn failed to comply with this order.

Under 34 C.F.R. § 668.117 (2004), the tribunal has the authority to regulate the course of the proceedings, including the termination of the hearing process if a party does not meet the time limits established by the tribunal. In view of Alcorn's noncompliance with the Order Governing Proceedings and its failure to respond to the Order to Show Cause, it is appropriate to

terminate this proceeding. Accordingly, it is HEREBY ORDERED that the appeal of Alcorn State College is dismissed with prejudice.

Allan C. Lewis
Chief Administrative Law Judge

Dated: December 16, 2004

SERVICE

A copy of the attached document was sent on December 16, 2004, by certified mail, return receipt requested to the following:

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