



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

In the Matter of

Docket No. 04-35-SP

**AMERICAN CHRISTIAN COLLEGE
and SEMINARY,**

Student Financial
Assistance Proceeding

Respondent.

INITIAL DECISION

On August 16, 2004, American Christian College and Seminary (American) filed a request for review of a final program review determination dated June 29, 2004. The determination sought the recovery of \$1,353,588 of Title IV funds. On September 16, 2004, the tribunal issued an Order Governing Proceedings that required American to file by October 18, 2004, its brief and exhibits supporting its appeal. American failed to comply with that order.

On November 19, 2004, the office of Federal Student Aid (FSA) filed a motion for entry of judgment based upon American's failure to comply the Order Governing Proceedings. Following the receipt of FSA's motion, the tribunal issued on November 30, 2004, an Order to Show Cause that noted American'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 American of the tribunal's authority to terminate the action for noncompliance with the Order Governing Proceedings and provided American 10 days in which to file an explanation as to why its appeal should not be terminated for failure to prosecute its appeal. American 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 American'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 American Christian College and Seminary 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:

Dr. A. Fred Hambrick, President
American Christian College and Seminary
4300 Highline Blvd., Suite 202
Oklahoma City, OK 73108

Russell B. Wolff, Esq.
Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-2110