



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

In the Matter of

Docket No. 13-13-EA
Docket No. 13-14-ST

TONSORIAL ACADEMY of
COSMETOLOGY
and BARBER STYLING,

Federal Student Aid
Proceeding

Respondent.

Appearances: Wilfredo Perez, Director, for Tonsorial Academy of Cosmetology and Barber Styling.

Russell B. Wolff, Esq., Office of the General Counsel, United States Department of Education, Washington, D.C., for Office of Federal Student Aid.

Before: Richard F. O'Hair, Administrative Judge

DECISION

Tonsorial Academy of Cosmetology and Barber Styling (Tonsorial), a public, post-secondary educational institution, was a participant in the federal student aid programs authorized under Title IV of the Higher Education Act of 1965 (Title IV), 20 U.S.C. § 1070 *et seq.* and 42 U.S.C. § 2751 *et seq.* The Office of Federal Student Aid (FSA) of the United States Department of Education (Department) administers these programs. On April 18, 2013, FSA imposed an emergency action and gave notice of its intent to terminate Tonsorial's eligibility to participate in programs authorized under Title IV. FSA based its action on an April 10, 2013, notice from the National Accrediting Commission of Career Arts & Sciences reporting the relinquishment of accreditation of Tonsorial's accredited status, effective April 9, 2013. FSA noted that when Tonsorial lost its accreditation, it became ineligible to participate in the Title IV programs since it no longer met the definition of an institution of higher education. 34 C.F.R. § 600.11(c). Tonsorial timely appealed this action on April 30, 2013.

On May 15, 2013, the Tribunal conducted a telephone conference with the parties to address Tonsorial's request for an administrative hearing regarding the emergency action. During that conference call, Tonsorial informed the Tribunal it was withdrawing its request for an immediate hearing and requested its appeal of both actions be stayed until October 1, 2013. Pursuant to this request, the Tribunal issued an Order Governing Proceedings on May 21, 2013, which ordered Tonsorial to respond by October 1, 2013, and make an election either to reinstate or withdraw its request for a hearing on these matters.

Tonsorial failed to act in accordance with that Order. As a result, on November 1, 2013, the Tribunal issued an Order to Show Cause, compelling Tonsorial to file a submission by November 22, 2013, explaining why the Tribunal should not enter judgment against it for failure to prosecute its appeal. Tonsorial has not responded to the Order to Show Cause, and this prompted FSA, on December 23, 2013, to file a Motion for Entry of Default Judgment.

Pursuant to 34 C.F.R. § 668.117(c), I have the authority and responsibility to regulate the course of the proceedings such as this, including the termination of the hearing process if a party does not meet the time limits I have established. As a result of Tonsorial's noncompliance with the Order Governing Proceedings, and its failure to respond to the Order to Show Cause, it is appropriate to terminate these proceedings.

When Tonsorial lost its accreditation, it ceased to be eligible to participate in Title IV programs. Although given the opportunity to submit evidence to this Tribunal to challenge FSA's implementation of an emergency action and intent to terminate its eligibility, Tonsorial has failed to do so. Accordingly, FSA is authorized to proceed with the termination action.

ORDER

On the basis of the foregoing, it is hereby **ORDERED** that Tonsorial Academy of Cosmetology and Barber Styling's eligibility to participate further in Title IV programs be terminated.

Judge Richard F. O'Hair

Dated: January 6, 2014

SERVICE

A copy of the attached initial decision was sent by certified mail, return receipt requested, to the following:

Mr. Wilfredo Perez, Director
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and Barber Styling
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