



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

In the Matter of

**TIFFANY'S COLLEGE OF  
HAIR DESIGN**

**Docket No. 96-118-SP**  
Student Financial  
Assistance Programs

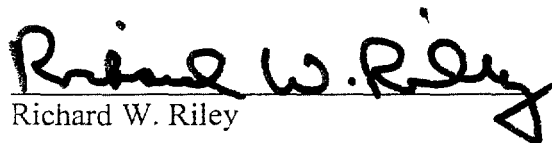
Respondent.

**ORDER**

On July 23, 1997, Judge Frank K. Krueger, Jr. issued an Initial Decision in the above-captioned case, ordering Respondent to repay the U.S. Department of Education \$73,490 in Federal Pell Grant funds. On August 11, 1997, Ms. Osa May Martin, previous owner of Tiffany's College of Hair Design (Tiffany's), indicated by letter that she intended to appeal the July 23, 1997, decision in this case. Ms. Martin, however, failed to include with her letter any legal argument to support the appeal.

On September 4, 1997, the Office of Student Financial Assistance Programs (SFAP), responded to Ms. Martin's letter, noting that Tiffany's failed to submit a brief or written materials in support of its appeal, as required by 34 C.F.R. § 668.119(1996). On September 10, 1997, Ms. Martin wrote a second letter requesting an additional 60 days to conduct an investigation before submitting written arguments. Finally, on September 22, 1997, SFAP objected to Respondent's request for an extension, and filed a motion to dismiss Respondent's appeal, as untimely. 34 C.F.R. § 668.119(a)(1996).

"Within 30 days of its receipt of the initial decision of the hearing official, a party wishing to appeal the decision shall submit a brief or other written material to the Secretary explaining why the decision of the hearing official should be overturned or modified." 34 C.F.R. § 668.119(a)(1996). In this case Respondent has failed to submit a brief, or written material in support of its appeal. Specifically, Respondent has not submitted any further correspondence or documentation since the letter dated September 10, 1997, under Ms. Martin's signature. Accordingly, Respondent's appeal is dismissed as untimely, and the Initial Decision issued by Judge Krueger, is hereby affirmed as the final decision of the U.S. Department of Education.

  
Richard W. Riley

Washington, DC  
June 29, 1998

**SERVICE**

Ms. Osa May Martin  
Tiffany's College of Hair Design  
2236 Grand Avenue  
Carthage, MO 64836

Denise Morelli, Esq.  
Office of the General Counsel  
U S Department of Education  
600 Independence Avenue, SW  
Washington, DC 20202-2110

Frank K. Krueger, Jr  
Administrative Judge  
Office of Hearings and Appeals