

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

IN THE MATTER OF

DUDLEY HALL CAREER INSTITUTE,

Respondent.

Docket No. 92-108-SP

Student Financial Assistance Proceeding

DECISION

Appearances:

Carl F. Simmons, Chairman of the Board, Dudley Hall Career Institute, David M. Nickless, Trustee, Nickless and Phillips.

Carol Bengle, Esq. of Washington, D.C., Office of the General Counsel, United States Department of Education for the Office of Student Financial Assistance

Before:J

udge Allan C. Lewis

This is an appeal by Dudley Hall Career Institute concerning the final program determination letter, dated August 3, 1992, issued by the U.S Department of Education. The tribunal issued an Order Re Further Proceedings on October 21, 1992, which required ED and then subsequently the respondent to submit its brief and supporting evidence.

Under the Order Re Further Proceedings Education's brief was due on November 11, 1992. Education submitted their brief on November 12, 1992. The respondent's brief and supporting evidence was due on December 2, 1992. The respondent did not submit its brief or supporting evidence to the tribunal. On December 21, 1992, the tribunal issued an Order to Show Cause giving the respondent until January 19, 1993, to reply to the order Re Further Proceedings. As of this date, the respondent has not complied with the Order to Show Cause. In light of this noncompliance, the Administrative Law Judge is authorized under 34 C.F.R. § 668.89(c) (1990), to--

take whatever measures are appropriate to expedite the proceeding. These measures may include, but are not limited to, the following--

....

- (2) Setting time limits for hearings and submission of written documents; and
- (3) Terminating the hearing and issuing a decision against a party if that party does not meet those time limits.

In light of the respondent's failure to comply with the Order Re Further Proceedings and 34 C.F.R. S 666.89(c), it is hereby--

ORDERED that the appeal of the Program Determination Letter by the respondent is dismissed.

Allan C. Lewis
Administrative Law Judge

Issued: January 27, 1993
Washington, D.C.