

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF HEARINGS AND APPEALS

THE MATTER OF MICHIGAN COMPUTER INSTITUTE,

Respondent.

Docket No. 92-67-SA

Student Financial Assistance

Proceeding

DECISION

Appearances:

David Kirby, President of Michigan Computer Institute

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:

Judge Allan C. Lewis

This is an appeal by Michigan Computer Institute concerning the program determination letter, dated March 27, 1992, issued by the U.S Department of Education. The tribunal issued an Order Re Further Proceedings on June 5, 1992, which required ED and then subsequently the respondent to submit its brief and supporting evidence.

On June 26, 1992, ED submitted its brief and supporting evidence to the tribunal. Under the Order Re Further Proceedings, the respondent's brief and supporting evidence was due on July 17, 1992. On July 17, 1992, the respondent submitted a Suggestion of Mootness and Notification of Withdrawal of Counsel. Thereafter, the tribunal issued an order on July 21, 1992, giving counsel for the U.S. Department of Education ten days to reply to respondent's motion. On June 22, 1992, the U.S. Department of Education moved for a Motion for Judgement and Objection to Dismissal for Mootness. On July 24, 1992, the tribunal issued an Order to Show Cause giving the respondent until August 31, 1992, 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. § 668.89(c), it is hereby--

ORDERED that the appeal of the Program Determination Letter by the respondent is dismissed and that decision is entered against the respondent in the amount of \$9,066,572 which the respondent shall pay in the manner provided by law.

Allan C. Lewis
Administrative Law Judge

Issued: October 16, 1992
Washington, D.C.