

IN THE MATTER OF HEALTH CARE TRAINING INSTITUTE,
Respondent.

Docket No. 92-42-ST
Student Financial Assistance Proceeding

INTERLOCUTORY DECISION

This is a proceeding to terminate the eligibility of Health Care Training Institute (HCTI) to participate in the student financial assistance programs authorized by Title IV of the Higher Education Act of 1965, as amended. 20 U.S.C. § 1070 et seq. Further, ED levied fines against HCTI in the amount of \$831,000 under 20 U.S.C. § 1094(c)(2)(B) (1991) and 34 C.F.R. § 668.84 (1991) for the same purported violations of Title IV of the HEA. This termination and fine proceeding was joined and consolidated with the program review determination proceeding, Dkt. No. 92- 124-SP, due to related issues and in the interest of judicial economy.

On January 19, 1993, HCTI filed a motion for summary disposition alleging that it properly administered the ability to benefit test, and, since no triable issue of material fact exists, HCTI is entitled to, in effect, judgment as a matter of law related to the program review determination and a partial judgment in the termination and fine proceedings. ED responds to this motion by urging this tribunal to deny HCTI's motion for summary disposition and to grant its motion for summary judgment on the grounds that the ability to benefit test administered by HCTI did not adequately measure the student's aptitude to successfully complete the program to which he or she has applied.

In view of the findings of fact, conclusions of law, and the analysis set forth in the decision issued in Dkt. No. 92-124-SP which is attached hereto and incorporated herein, it is HEREBY

ORDERED that HCTI's motion for partial summary judgment is granted and ED's cross motion for partial summary judgment is denied. A revised order governing proceedings will be issue shortly.

Allan C. Lewis
Administrative Law Judge

Issued: November 4, 1993
Washington, D.C.

SERVICE

On November 4, 1993, a copy of the attached Interlocutory Decision was sent to the following:

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