

IN THE MATTER OF Wyoming Technical Institute,
Respondent.

Docket No. 93-112-SP
Student Financial Assistance Proceeding

Appearances: Leslie H. Wiesenfelder, Esq., of Dow, Lohnes & Albertson, Washington, D.C.
for Respondent.

Edmund J. Trepacz II, Esq., Office of the General Counsel, for the Office of Student
Financial Assistance Programs, United States Department of Education.

Before: Judge Ernest C. Canellos.

DECISION

Wyoming Technical Institute of Laramie, Wyoming, (Wyoming) is one of a number of proprietary schools owned by Phillips Colleges, Inc. On July 23, 1993, Region VIII of the Office of Student Financial Assistance Programs (SFAP) of the United States Department of Education (ED) issued a final program review determination (FPRD) on the results of a program review performed at Wyoming. The report analyzed the administration of student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended (Title IV) for the 1990-91, 1991-92, and 1992-93 award years.

The FPRD cited two findings, one of which is subject to this appeal. According to SFAP, Wyoming improperly disbursed Title IV funds in two, rather than the required three, installments. This issue has been litigated previously between ED and Phillips Colleges Inc., the parent corporation which owned and operated Wyoming during the period at issue. In the Matter of Edmondson Junior College, Dkt. No. 93-7-SP, U.S. Dep't of Educ. (June 4, 1993) (Edmondson). The Secretary affirmed Edmondson on April 5, 1994 and, on November 15, 1994, rejected SFAP's request to reconsider that decision. Consequently, the law in this area is abundantly clear. I find that the facts of the case before me and those in Edmondson are clearly indistinguishable. Therefore, I find that Wyoming did not disburse Federal student financial assistance by utilizing incorrect payment periods. See also, In the

Matter of Phillips College of Chicago, Dkt. No. 93-58-SP, U.S. Dep't of Educ. (November 14, 1994), and the cases cited therein.

Accordingly, Wyoming Technical Institute is relieved of any obligation to repay funds to the U.S. Department of Education as a result of this proceeding.

SO ORDERED:

Ernest C. Canellos
Chief Judge

Issued: November 18, 1994
Washington, D.C.