

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

IN THE MATTER OF

PRINTING TRADES SCHOOL, (NY)

Respondent.

Docket No. 93-153-ST

Student Financial Assistance  
Termination Proceeding

DECISION

Appearances:

Elizabeth G. Jenkins and Carol Jenkins for the Respondent

Russell B. Wolff, Esq. for the Office of Student Financial Assistance Programs (SFAP), United States Department of Education

Before:

Judge Ernest C. Canellos

This is an appeal by the Printing Trades School (Respondent) concerning a Notice of Intent to Terminate and Fine, dated October 27, 1993, issued by the U.S. Department of Education (ED). On December 3, 1993, I issued an Order Governing Proceedings which required the parties, inter alia, to file within 60 days, their briefs setting forth factual contentions as well as applicable legal authority, lists of proposed witnesses with statement of expected testimony, and any proposed exhibits. Respondent requested extensions of the due date of these filings by letters of January 27, 1994 and February 28, 1994. I granted the requests and the revised deadline for complying with the Order Governing Proceedings was extended to April 4, 1994.

The extension of the filing deadline to April 4th followed a teleconference between the parties and myself on March 3, 1994. During the teleconference, Respondent's concern that the briefing schedule be suspended until it received an additional response from ED's Boston regional office, incident to the program review, was discussed and I advised Respondent that I would not grant such a suspension. During this teleconference counsel for ED objected to an extension to April 4, 1994.

On April 4, 1994, ED filed its brief and prehearing submissions, with a certificate showing service to the Respondent. However, the Respondent did not comply by filing the submissions required by the deadline, nor has it subsequently forwarded those submissions. In light of this

noncompliance, ED moved, on April 11, 1994, for termination of proceedings and for an entry of judgment.

Under 34 C.F.R. § 668.89(c) (1990), the hearing official is authorized to take whatever measures are appropriate to expedite the proceeding. These measures may include, but are not limited to, setting time limits for hearings and submission of written documents, and 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 Governing Proceedings and under the authority of 34 C.F.R. § 668.89(c), the Appeal of the Notice to Terminate and Fine by the Respondent is dismissed. It is hereby--

ORDERED that a Decision is entered against the Respondent which terminates its eligibility to participate in the student financial assistance programs under Title IV of the Higher Education Act of 1965, as amended; and it is further

ORDERED that the Respondent immediately and in the manner provided by law pay fines in the amount of \$100,000 to the U.S. Department of Education.

Judge Ernest C. Canellos

Issued: April 14, 1994  
Washington, D.C.

SERVICE

On April 14, 1994, a copy of the attached document was sent to the following:

Certified Mail RRR

Ms. Elizabeth G. Jenkins President  
Printing Trades School  
233 Park Avenue South  
New York, New York 10003

Russell Wolff, Esq.  
Office of the General Counsel  
U.S. Department of Education  
Room 4083, FOB-6  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-2110