

IN THE MATTER OF Jordan College,
Respondent.

Docket No. 94-170-SP
Student Financial Assistance Proceeding

Appearances: Dr. Lexie K. Coxon, President, Jordan College, Cedar Springs, Michigan.

Steven Z. Finley, Esq., Office of the General Counsel, Washington, D.C., for the Office of Student Financial Assistance Programs, United States Department of Education.

Before: Judge Ernest C. Canellos.

DECISION

On August 8, 1994, the Office of Student Financial Assistance Programs (SFAP) of the United States Department of Education (ED) issued a **partial final program review determination** (Partial FPRD) finding that Jordan College improperly disbursed \$93,080 in Federal student financial assistance funds for award years 1990-91 through 1992-93, in violation of Title IV of the Higher Education Act of 1965, as amended (Title IV). See 20 U.S.C. § 1070 et seq.

In a letter dated September 23, 1994, Jordan College disputed the findings of the Partial FPRD and requested an administrative hearing pursuant to its rights under Title IV. On March 9, 1995, in response to a motion submitted by SFAP, I issued an Order To Show Cause why I should not dismiss Jordan College's administrative appeal and enter judgment against the school for its failure to comply with the briefing schedule and its failure to carry its burden in establishing that the school's expenditures of Title IV funds were proper.

On June 7, 1995, counsel for SFAP filed a Motion To Dismiss that stated, in part, as follows:

SFAP now asks this tribunal to dismiss Jordan [College's] request for review based upon the institution's failure to respond to the Order to Show Cause, and for its failure to go forward with its appeal.

In response to this motion, Jordan College has made no submission. Nor has the institution responded to the Order To Show Cause. Pursuant to 34 C.F.R. § 668.117(c)(3), I have the authority and responsibility to terminate the hearing process and issue a decision against a

party if that party does not meet time limits established pursuant to my orders. As noted above, Jordan College has failed to file a submission pursuant to my orders. In addition, after a review of SFAP's Partial FPRD, I am convinced that the findings contained therein sufficiently state allegations in a manner that would require Jordan College to carry its burden of proof. In that regard, I find that Jordan College has failed to carry its burden of proof in establishing that the

institution's expenditures of Title IV funds were proper.

ORDER

On the basis of the foregoing findings of fact and conclusions of law, it is HEREBY ORDERED that the above-captioned proceeding is terminated. It is FURTHER ORDERED that Jordan College pay to the United States Department of Education the sum of \$91,767.00, and in accordance with the Partial FPRD pay to the appropriate Federal Stafford Loan lender the sum of \$1,313.00.

SO ORDERED:

Ernest C. Canellos
Chief Judge

Issued: June 12, 1995
Washington, D.C.

S E R V I C E

A copy of the attached document was sent to the following:

Dr. Lexie K. Coxon
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