

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

In the Matter at

PHILLIPS JUNIOR COLLEGE
OF JACKSON, MISSISSIPPI,

Respondent.

Docket No. 94-186-EA

APPEARANCES:

Yolanda Gallegos, Esq., of Dow, Lohnes & Albertson, Washington, D.C., for Phillips Junior College of Jackson, Mississippi.

Sarah Wanner, Esq., Office of the General Counsel, U.S. Department of Education, Washington, D.C., for the Office of Student Financial Assistance Programs.

BEFORE:

Judge Ernest C. Canellos.

DECISION

On August 10, 1994, the Office of Student Financial Assistance (SFAP) of the U.S. Department of Education (ED) imposed an emergency action Phillips Junior College of Jackson, Mississippi (Phillips), in accordance with 20 U.S.C. § 1094 (c) (1) (G) and 34 CFR § 600.41 and § 668.83. In response to the notice, on October 28, 1994, counsel for the respondent requested an opportunity to show cause why the emergency action is unwarranted.

According to the ED notice, the emergency action was based upon a June 2, 1994 notice that the State of Mississippi Commission on College Accreditation omitted Phillips from its list of approved institutions offering degree programs, effective May 27, 1994. Hence, a violation of the requirements found at 20 U.S.C. § 1085 and 1088 and 42 U.S.C. § 2753(b) was cited; such sections require approval by the appropriate State agency for an institution to participate in Title IV, HEA programs. Subsequently, on October 21, 1994, Phillips provided SFAP with evidence or both a newly issued state license from a another licensing agency and an opinion from the Office of the Mississippi Attorney General stating, in effect, that such a license was not invalid as applied to schools offering degrees. On November 8, 1994, SFAP determined that, in light of the newly received evidence, the underlying emergency action should be dismissed.

In light of the evidence received by SFAP and in deference to its decision to dismiss the emergency action, I find that such dismissal is appropriate and it is hereby ORDERED.

Judge Ernest C Canellos

November 10, 1994
Washington, D.C.

SERVICE

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

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