

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

In the Matter of **Docket No. 94-58-ST**

BNAI ARUGATH HABOSEM, Student Financial
Assistance Proceeding
Respondent.

ORDER OF DISMISSAL

On November 30, 1995, Student Financial Assistance Programs (SFAP) filed a motion to dismiss the above-captioned proceeding without prejudice. The institution filed a response on December 18, 1995. [See footnote 1 /](#) On January 23, 1996, SFAP filed a reply, stating that it was "effectively withdrawing this termination action against Respondent." In its motion, SFAP states that on October 24, 1995, the Department's Institutional Participation Division (IPD) informed Respondent that its program participation agreement (PPA) had expired on September 30, 1995, and that, as a result, Respondent is no longer eligible to participate in programs authorized under Title IV of the Higher Education Act of 1965 (Title IV, HEA programs). The October 24, 1995 letter from IPD states that it advised Respondent in March 1995 that, in order to remain eligible to participate in the Title IV, HEA programs after September 30, 1995, the school needed to submit an application to renew its PPA by June 30, 1995. The IPD letter further states that by letter of September 14, 1995, it reminded Respondent of the need to submit its application as soon as possible, but that IPD did not receive an application from Respondent. As a result, Respondent's eligibility expired as scheduled on September 30, 1995.

Since the Respondent's eligibility to participate in Title IV, HEA programs expired on September 30, 1995, the present termination action has been rendered moot. Accordingly, it is **HEREBY ORDERED** that the proceeding is **DISMISSED**.

Judge Richard F. O'Hair

Dated: January 26, 1996

SERVICE

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

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Footnote: 1 In its response, Bnai requested that I deny SFAP's motion to dismiss because ACCET would soon be rendering a decision as to the school's request to be reclassified as a vocational school and because the school had previously agreed to voluntarily terminate itself if ACCET did not rule in its favor. Subsequently, ACCET issued its ruling, stating that it had withdrawn Bnai's accreditation. Therefore, Bnai's reason for objecting to SFAP's motion no longer exists.