

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

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In the Matter of

**Docket No. 98-57-ST**

**WESTECH COLLEGE,**

Student Financial  
Assistance Proceeding

Respondent.

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Appearances: Mary Zad, of Pomona, CA, for Westech College

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

Before: Judge Ernest C. Canellos

**ORDER ON REMAND**

On December 6, 2000, the Secretary issued a decision remanding the above-captioned proceeding to the tribunal to apply the standard of review set forth by that decision. On January 12, 2001, I issued an order requiring the parties to submit briefs addressing the issues before me. On January 22, 2001, counsel for the office of Student financial Assistance Programs (SFAP) submitted a motion to dismiss the case. SFAP neither offered an explanation for its request, nor provided reference to whether Respondent had joined the motion. Upon request for further clarification, counsel submitted an amended motion to dismiss this case. In the amended motion, SFAP indicated that Respondent did not oppose its request, and that the basis for the motion was SFAP's exercise of discretion of when to cease pursuit of an enforcement action. Since the Notice of Termination sustained the legal basis for Respondent's request for this proceeding, I will interpret SFAP's request as an indication that it withdrew the Notice of Termination.\* There being no further issues for this tribunal to resolve, SFAP's motion is GRANTED. Accordingly, it is HEREBY ORDERED that the above-captioned proceeding is DISMISSED. It is FURTHER ORDERED that my Initial Decision, issued on September 15, 1998, is VACATED.

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Ernest C. Canellos  
Chief Judge

Dated: February 7, 2001

**SERVICE**

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

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\* The Decision of the Secretary is unclear whether the Secretary left undisturbed my determination that Respondent's eligibility to participate in Title IV programs must be terminated.