

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

In the Matter of

Docket No. 00-63-SA

TRC JAN MAR BEAUTY ACADEMY,

Student Financial
Assistance Proceeding

Respondent.

ACN: 03-1998-06433

Appearances: Brenda M. Spooner, Willie E. Ritter, TRC Jan Mar Beauty Academy, for Respondent.

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

Before: Richard I. Slippen, Administrative Judge

DECISION

On November 15, 2000, TRC Jan Mar Beauty Academy (TRC Jan Mar) appealed the U.S. Department of Education's (Department) Final Audit Determination (FAD) dated September 29, 2000. In its submission, TRC Jan Mar acknowledged owing \$4,817 in refunds to the Department, but it disputed the amounts alleged in the FAD. On December 15, 2000, I issued an Order Governing Proceedings directing TRC Jan Mar to file its brief and exhibits by January 16, 2001, TRC Jan Mar has failed to comply with that order. On February 6, 2001, SFAP filed a Motion for Default Judgment on the basis that TRC Jan Mar had failed to comply with my December 15, 2000, order.

On March 2, 2001, Respondent filed a letter stating that the closure of TRC Jan Mar and the subsequent re-opening of the institution by its original owner under the same name, resulted in difficulties with mail delivery. On March 2, 2001, I issued an Order denying SFAP's Motion for Dismissal and reinstating a briefing schedule in the above-captioned proceeding. TRC Jan Mar's brief and exhibits were due on April 2, 2001. To date, TRC Jan Mar has failed to comply with my March 2, 2001, order. On April 16, 2001, SFAP filed a Motion for Default Judgment.

The September 29, 2000, FAD charged that TRC Jan Mar violated the institutional eligibility requirements of Title IV of the Higher Education Act of 1965, as amended (Title IV), 20 U.S.C. § 1070 *et seq.* Specifically, TRC Jan Mar violated the regulatory requirements governing Title IV refunds in three ways. First, TRC Jan Mar made late Title IV refunds. Second, for some students, it failed to make any Title IV refunds. Third, TRC Jan Mar failed to perform refund calculations for some students. SFAP assessed liability in the amount of \$4,996 for the first two violations. For TRC Jan Mar's failure to perform refund calculations, SFAP assessed liability in the amount of \$14,801. The total liability asserted in the FAD was \$19,797.

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 such, I find that the institution's failure to file a brief as ordered warrants the termination of this proceeding. Further, after a

review of the FAD, I am convinced that the findings contained therein sufficiently state allegations in a manner that would require TRC Jan Mar to carry its burden of proof in this proceeding. 34 C.F.R. § 668.116(d). Therefore, the FAD is affirmed and the liability upheld

ORDER

On the basis of the foregoing, it is hereby ORDERED that TRC Jan Mar Beauty College pay to the U.S. Department of Education the sum of \$19,797.

Judge Richard I. Slippen

Dated: April 18, 2001

SERVICE

A copy of the attached document was sent by certified mail to the following:

Brenda M. Spooner
Director
TRC Jan Mar Beauty Academy
19 Westbrook Drive
Hampton, VA 23666

Willie E. Ritter
CEO
TRC Jan Mar Beauty Academy c/o Ritter Corporation
2316 High Street
Columbia, SC 29203

Brenda M. Spooner/ Willie E. Ritter
TRC-Jan Mar Beauty Academy
411 Jan Mar Drive
Newport News, VA 23606

Denise Morelli, Esq.
Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-2110