



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

In the Matter of

Docket No. 04-43-SF

**INSTITUTO IRMA VALENTIN-
UTUADO (PR)**

Student Financial
Assistance Proceeding

Respondent.

INITIAL DECISION

On August 13, 2004, Instituto Irma Valentin-Utuado (PR) filed a request for review of a fine action, dated July 28, 2004, in the amount of \$3,500. Under the Order Governing Proceedings issued on May 4, 2005, the parties were directed to submit a brief, exhibits, and affidavits. Federal Student Aid submitted its response on June 6, 2005. Under the order, respondent was to submit its response on or before July 11, 2005. As of September 27, 2005, respondent had not complied with that order.

On September 27, 2005, Federal Student Aid filed a motion for default judgment citing respondent's failure to comply with the Order Governing Proceedings. Thereafter, on September 28, 2005, the tribunal issued an Order to Show Cause that noted respondent's failure to file its submission as required by the Order Governing Proceedings. The show cause order also reminded respondent of the tribunal's authority to terminate the action for noncompliance with the Order Governing Proceedings and provided respondent 30 days in which to file an explanation as to why its appeal should not be terminated for failure to prosecute its case and to file its submission. Respondent failed to comply with this order.

Under 34 C.F.R. § 668.117 (2004), the tribunal has the authority to regulate the course of the proceedings, including the termination of the hearing process if a party does not meet the time limits established by the tribunal. In view of respondent's noncompliance with the Order Governing Proceedings and its failure to respond to the Order to Show Cause, it is appropriate to

terminate this proceeding. Accordingly, it is **HEREBY ORDERED** that the appeal of Instituto Irma Valentin-Utuado (PR) is dismissed with prejudice.

Allan C. Lewis
Chief Administrative Law Judge

Dated: November 15, 2005

SERVICE

A copy of the attached document was sent on December 16, 2004, by certified mail, return receipt requested to the following:

Wiley Jones, Vice President for Business Affairs
Alcorn State University
Suite 509
1000 ASU Drive
Alcorn State, MS 39096-7500

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