

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS
400 MARYLAND AVENUE, S.W.
WASHINGTON, D.C. 20202-4616

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In the Matter of

MUNA JABER,

Docket No. 06-37-DA
Debarment Proceeding

Respondent.

CORRECTED DECISION

On October 6, 2006, the United States Department of Education, Office of Federal Student Aid (FSA) issued a Notice of Proposed Government-Wide Debarment from Federal Procurement and Non-Procurement Transactions (Notice) to Ms. Muna Jaber (Respondent). I have jurisdiction over this matter by virtue of a delegation of authority from the Director, Office of Hearings and Appeals, U.S. Department of Education. The October 6, 2006 Notice informed Respondent that the proposed debarment was based upon her April 25, 2005 criminal conviction for offenses which occurred while she was employed at The Training Center (TTC), a post secondary school located in Dearborn, Michigan.

By letter dated November 11, 2006, Respondent filed a request that certain alleged mitigating factors be taken into consideration in the aforementioned proceeding. Subsequently, on November 27, 2006, I issued an Order Governing Proceedings directing Respondent to file information in opposition to the proposed debarment by January 4, 2007. Respondent did not file a response nor any explanation why she has failed to comply with my Order. On May 2, 2007, I issued an Order to Show Cause as to why I should not issue a default judgment. Respondent had until May 25, 2007 to comply with my May 2, 2007 Order. To date, Respondent has not filed a response.

According to the Notice, Respondent was charged, in a five-count second superseding Indictment (Indictment) dated August 5, 2003, with aiding and abetting in obtaining by fraud and false statements Department of Education funds. The Respondent was found guilty on three

counts of the Indictment that charged her with Conspiracy to Defraud, in violation of 18 U.S.C. § 371, Wire Fraud, in violation of 18 U.S.C. § 1343, and Student Financial Aid Fraud, in violation of 18 U.S.C. § 1097. In support of the Notice, FSA attached the August 5, 2003 criminal indictment and the Respondent's April 25, 2005 criminal conviction.

To ensure the integrity of its programs, the federal government only conducts business with responsible persons. Debarment is an action to exclude a person not considered responsible from participating in covered transactions under non-procurement programs and activities of any federal agency and transactions covered under the Federal Acquisition regulation (i.e. federal procurement transactions). Debarment may be imposed upon an individual for a criminal conviction for fraud, embezzlement, falsification of records, making false statements and making false claims. In a debarment proceeding, the Department must demonstrate that a cause for debarment exists by a preponderance of the evidence. If the Department's proposed debarment is based upon a criminal conviction, the Department's standard of proof is met. Respondent then must demonstrate that he or she is presently responsible and that debarment is not necessary. 34 C.F.R. §§ 85.800-885.

The Department has established to my satisfaction that Respondent was convicted of criminal offenses that constitute a cause for debarment. Respondent did not come forward with any information demonstrating why debarment would not be warranted. Based on my review of the evidence, I find that Respondent's criminal conviction reflects a lack of integrity and honesty that renders her unfit to conduct business with the federal government. Accordingly, I find that Respondent's April 25, 2005 criminal conviction supports the Department's proposed government-wide debarment.

The period of debarment is to be commensurate with the seriousness of the cause(s) of debarment, generally not to exceed three years. 34 C.F.R. § 85.860. Based upon the circumstances here, I have determined that a period of debarment of three years from the date of this decision is warranted.

ORDER

On the basis of the foregoing, it is hereby ORDERED that Ms. Muna Jaber be debarred from initiating, conducting, or otherwise participating in any covered transaction under the non-procurement programs and activities of any federal agency, and is ineligible to receive federal financial and nonfinancial assistance or benefits from any federal agency or activity for a period of three years. Ms. Muna Jaber may not act as a principal, as defined by 34 C.F.R. § 85.995, on behalf of any person in connection with a covered transaction. This debarment is effective for all covered transactions unless any agency head or authorized designee grants an exception for a particular transaction in accordance with 34 C.F.R. § 85.870.

Judge Richard I. Slippen
Hearing Official

Dated: July 10, 2008

SERVICE

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

Muna Jaber
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