



UNITED STATES DEPARTMENT OF EDUCATION  
THE SECRETARY

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In the Matter of

SOUTHEASTERN UNIVERSITY,

Respondent

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Docket Number 92-102-SA  
Student Financial Assistance  
Proceeding

**ORDER OF REMAND**

On March 23, 1995, the hearing official in the above-captioned matter issued a decision on remand in response to my inquiry as to whether the "actual loss formula" was used to calculate the monetary liability in this case. The hearing official concluded the previous tribunal did not base the Respondent's monetary liability upon that formula. With that decision, the hearing official was relieved of his responsibilities and duties in this matter.

Nevertheless, the Office of Student Financial Assistance Programs (SFAP) filed a motion for clarification with the hearing official, requesting that he apply the "actual loss formula" to determine the liability in question. The Respondent filed a response to the foregoing motion, concurring with SFAP's request. The Respondent also timely appealed the hearing official's decision on remand, but asked that its appeal be held in abeyance until the above motion was adjudicated.<sup>1</sup> Likewise, SFAP requested that I delay my decision regarding the Respondent's appeal, pending a ruling on the aforementioned motion.

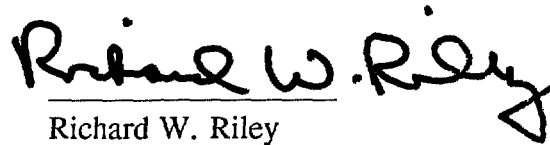
Despite the willingness of both parties to await a ruling by the hearing official, his jurisdiction over this matter has now been passed to me. However, my ability to rule effectively on any tangential issues arising from the decision on remand, or SFAP's motion for that matter, is severely restricted due to the incompleteness of the record as it pertains to the

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<sup>1</sup> Through this order, I grant the Respondent's request to hold its appeal in abeyance.

propriety of the monetary liability and the "actual loss formula." Therefore, I remand this matter to the tribunal below for a determination as to whether the "actual loss formula" should have been applied. If so, I direct the hearing official to calculate the Respondent's liability in accordance with that formula.

So ordered this 14th day of September 1995.

  
Richard W. Riley

Washington, D.C.

## SERVICE LIST

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