



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

In the Matter of
**Garces Commercial
College**

Docket No. 92-23-SP

Student Financial
Assistance Proceeding

Order

On January 21, 1993, Garces Community College (Garces) filed a motion requesting the Secretary reconsider his decision issued on January 5, 1993. In the decision, the Secretary denied the motion of the National Legal Research Group, on behalf of Garces, to file an appeal after the expiration of the time limitation established by 34 C.F.R. § 668.119 (a).

In the motion to reconsider, Garces attempts to apply the Federal Rules of Civil Procedure in support of its position. This argument is irrelevant. The relevant legal authority is 34 C.F.R. § 668.121 (b) which clearly states the consequence of failure to timely file an appeal:

(b) In the event that the initial decision of the administrative law judge is not appealed within the time limit specified in § 668.119 (a), the initial decision automatically becomes the final decision of the Department.

The motion to reconsider is therefore denied. The Initial Decision of the Administrative Law Judge remains the final decision of the Department.

So ordered this 26th day of March, 1993.


Richard W. Riley

Washington, DC

Service

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