



THE SECRETARY OF EDUCATION  
WASHINGTON, DC 20202

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In the Matter of

**ALCORN STATE UNIVERSITY,**

**Docket No. 04-22-SA**

**Student Financial  
Assistance Proceeding**

Respondent.

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**ORDER OF REMAND**

This matter comes before the Secretary on appeal by Respondent, Alcorn State University, of the Initial Decision issued by Chief Administrative Law Judge Allan C. Lewis on December 16, 2004 dismissing Respondent's appeal with prejudice based upon Respondent's noncompliance with the judge's previous Order Governing Proceedings and Order to Show Cause.

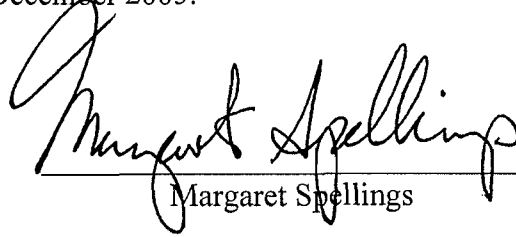
Respondent alleges it did not receive the judge's orders. Moreover, although Respondent's Appeal/brief to the Secretary was received by the Office of Hearings and Appeals on January 18, 2005 and reflects that a copy was sent to counsel for Federal Student Aid (FSA), to date, FSA has not appeared before me in this matter or otherwise filed a response.

Given the foregoing unusual procedural history of this case, I remand this case to Judge Lewis to conduct further proceedings and allow the parties an opportunity to have the case adjudicated on the merits.

**ORDER**

ACCORDINGLY, the Initial Decision issued by Chief Administrative Law Judge Allan C. Lewis on December 16, 2004, is HEREBY REMANDED to the tribunal for further proceedings consistent herewith.

So ordered this 20<sup>th</sup> day of December 2005.

  
Margaret Spellings

Washington, D.C.

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