



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS  
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In the Matter of

**MARVIN,**

**Docket No. 06-14-WA**  
Waiver Proceeding

Respondent

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### **ORDER DISMISSING PROCEEDING**

On June 9, 2006, I issued an order acknowledging receipt of Respondent's request for a waiver of a \$10,489.77 overpayment of salary. In addition to setting forth procedures central to a waiver proceeding, the order required Respondent to: file a short statement, not to exceed five typewritten pages, that: (1) explains the circumstances of the overpayment to the best of Respondent's knowledge, (2) states why Respondent believes a waiver should be granted, (3) indicates what steps, if any, Respondent took to bring the matter to the attention of the appropriate official or supervisor and the agency's response, and (4) fully identifies and explains with reasonable specificity all the facts, documents, and sworn statements, if any, which support Respondent's position. The order was sent to Respondent's counsel, W. Scott de Bie, as directed by Respondent.

As a result of counsel's failure to submit a timely statement in compliance with the matters noted above, on July 18 2006, I issued an Order to Show Cause why I should not terminate consideration of Respondent's waiver request. In that order, Respondent was given until July 25, 2006 to respond. To date, counsel has neither filed a statement nor requested additional time for filing a statement. Therefore, and, in accordance with my authority as the waiver official, I have the discretion to terminate the waiver proceeding, lift the stay of debt collection, and return this matter to the Office of the Chief Financial Officer for prompt debt collection.

ACCORDINGLY, it is hereby ORDERED:

That the stay of the debt collection process is LIFTED, and this proceeding is DISMISSED.

A handwritten signature in black ink, appearing to read "Rod Dixon". The signature is stylized and somewhat cursive, with the letters "R", "D", "I", "X", "O", "N" being clearly identifiable.

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Rod Dixon  
Waiver Official

Dated: July 26, 2006