



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS  
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In the Matter of

**JOYCE,**

Respondent

**Docket No. 11-21 -WA**  
Waiver Proceeding

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### **DECISION DISMISSING CASE**

On April 14, 2011, the OFFICE OF HEARINGS & APPEALS received Respondent's request for waiver of a debt in the above-captioned proceeding in response to receipt of a Notice of Debt indicating that the U.S. Department of Education identified an overpayment to Respondent in the amount of **\$93.50**. Respondent's case was assigned to the tribunal. I reviewed the record, and, as a result, the following findings are made: (1) Respondent owed a debt totaling \$93.50 as a result of an excessive payment of transit benefits in 2007; (2) Respondent filed a statement dated April 14, 2011 indicating why a waiver of collection of the overpayment should be granted; (3) on April 26, 2011, the tribunal issued an Order Governing Proceedings providing Respondent an opportunity to submit evidence to support her request for waiver; and (4) on April 27, 2011, the Office of Management debt management coordinator submitted a copy of an April 20, 2011 notice to Respondent indicating that the overpayment had been fully satisfied by Respondent. On the basis of these findings, I conclude that this matter is fully resolved and dismissal of this case is warranted. This decision operates as adjudication upon the merits, and constitutes a final agency decision.<sup>1</sup>

Accordingly, it is **HEREBY ORDERED** that the stay of collection is **LIFTED** and this proceeding is **DISMISSED** with prejudice.

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Rod Dixon  
Waiver Official

Dated: April 28, 2011

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<sup>1</sup> The dismissal is with prejudice, and Respondent may not re-file a request for waiver on the same debt. See, e.g., *In re Donald*, Dkt. No. 06-70-WA, U.S. Dep't of Educ. (September 29, 2006); *Semtek International Inc., v. Lockheed Martin Corp.*, 531 U.S. 497 (2001) (under federal common law, a dismissal with prejudice directly relates to the jurisdiction of the dismissing tribunal).