



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS
400 MARYLAND AVENUE, S.W.
WASHINGTON, D.C. 20202-4616

TELEPHONE (202) 619-9700

FACSIMILE (202) 619-9726

In the Matter of

MALAIKA,

Docket No. 11-43-WA
Waiver Proceeding

Respondent

DECISION DISMISSING CASE

On June 24, 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 Letter indicating that the Office of Management of the U.S. Department of Education identified an overpayment of salary in the form of transit benefits to Respondent in the amount of **\$220.00**. Respondent's matter was assigned to the tribunal, and I reviewed the record. As a result, the following findings are made: (1) Office of Management sent a Notice of Debt Letter to Respondent for the amount of \$220.00 on Apr. 6, 2011; (2) Wanda Davis, Director of Management Services for the Office of Management, reviewed Respondent's response and decided to waive the debt on July 25, 2011. Guided by the aforementioned findings, the tribunal concludes 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.¹

ACCORDINGLY, it is hereby ORDERED: That this proceeding is DISMISSED

¹ 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).

Nancy S. Hurley
Nancy S. Hurley
Waiver Official

Dated: July 26, 2011