

# Borrower Defense to Repayment

Pursuant to 20 U.S.C. § 1087e(h), 34 C.F.R. §§ 685.206(c)(1), 685.209(g), and the Master Promissory Notes (MPN) under the William D. Ford Federal Direct Loan (Direct Loan) Program and Federal Family Education Loan (FFEL) Program.

As detailed below, I, \_\_\_\_\_, am hereby applying for a full discharge of my federal student loans according to the “Defense to Repayment” provisions of the Higher Education Act and promulgating regulations.

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## Section 1: Borrower Information

SSN (Last 4) \_\_\_\_\_

Full Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

Zip Code \_\_\_\_\_

Telephone (primary) \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Email (optional) \_\_\_\_\_

Borrower is ☐ Employed

☐ In field of study

☐ Out of field of study

☐ Unemployed

Loan Servicer \_\_\_\_\_

## Section 2: School Information

School Name

School Address , ,

Dates of Attendance From / To /

Name of program

Type of Credential

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## Section 3: Illegal Conduct Of School

I assert that certain acts and omissions by and/or its agents/representatives give me a defense to repayment of my federal student loan(s) under state and federal law and the terms of my federal student loan agreement(s).

**The illegal conduct by includes the following illegal behavior:**

Misleading me about how this program would prepare me for a job.

Please explain in detail. This could include, for instance, citing false or misleading statistics about job placement rates, promising inflated salaries, or promising but failing to provide support in finding and landing a job.

Misleading me about its programmatic accreditation.

Please explain in detail. This could include, for instance, falsely claiming that the school had the proper accreditation to allow its graduates to sit for a particular licensing exam, falsely claiming that it offered the classes necessary to achieve employment and/or certification in a particular field, or citing misleading statistics about the pass rate of students on required licensing or certification exams.

Misleading me about whether I was eligible to benefit from this program or had a disqualifying status.

Please explain in detail. This could include, for instance, enrolling you even though you did not have a high school diploma or GED, or claiming that a felony record or disability would not stand in the way of employment in a particular field.

Misleading me about how I would pay for the program.

Please explain in detail. This could include, for instance, understating the total cost of the program, signing loan paperwork without your permission, understating the amount of loans necessary, treating grants and loans as if they were the same thing, treating federal and private loans as if they were the same thing, or refusing to disclose loan terms or allow review of loan documents.

Misleading me about the extent of the illegal activities at those activities would have on

and the effect  
's reputation and continued existence.

Please explain. This could include a school shutting down in light of lawsuits or financial mismanagement or finding that having on a resume repels employers who have heard about its illegal practices.

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Other misleading behavior, including:

Absent this conduct, I would not have chosen to attend and/or continue attending  
I decided to pursue a postgraduate education because I wanted to gain the relevant skills to find a more fulfilling career with higher earning potential than I was able to obtain previously. I chose to attend  
because they represented to me that their program would give me useful skills, that their degree would allow me to earn more than I did previously, and that these benefits would outweigh the burden of paying off the obligations I would incur to finance the degree.

Because of this conduct, I have suffered injury, including:

Federal student loan debt, which has caused me stress, forced me to divert funds from other aspects of my life and otherwise unduly burdened me. Explain:

The inability to enroll in another degree-granting program. Explain:

A difficult time finding employment because

was on my resume. Explain:

Missing the opportunity to go to another, better higher education institution and lacking the eligibility for enough federal loans to do so now. Explain:

Other injury, including emotional harm. Explain:

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#### **Section 4: Lender Relationships**

All of my loans were direct loans and/or my school referred me to the lender of my federal student loans.

You should check this box unless you took out your federal student loans before 2010 and you chose your own lender.



## Section 5: Defense To Repayment of Federal Student Loans

The above conduct gives rise to a cause or causes of action under \_\_\_\_\_ law, which relate(s) directly to my loan and/or the provision of educational services for which the loan was given, including:

Common law action for Fraudulent Misrepresentation;  
and/or common law action for Fraudulent Concealment.

Additionally, the above conduct violates federal law, including:

1. The Federal Trade Commission Act and Federal Trade Commission regulations, which prohibit schools, in promoting a course of training, from making misrepresentations, including regarding the availability of employment after graduation, the success that graduates have realized in obtaining such employment, or the salary that graduates will receive in such employment. 16 C.F.R. § 254.4.
2. Title IV of the Higher Education Act and Amendments, and Department of Education regulations, which prohibit schools participating in Title IV programs from making “substantial misrepresentations” to students and prospective students.

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## Section 6: Requested Relief

Therefore, I request that the Department of Education take the following steps:

1. Cancel any remaining principal, interest, fees and costs associated with my federal student loans, borrowed to attend
2. Cease any collection actions against me in relation to my federal student loans, borrowed to attend
3. Return any sums paid, whether voluntarily or involuntarily, toward my federal student loans, borrowed to attend
4. Remove any adverse reports related to my federal student loans, borrowed to attend School, from all consumer credit reporting agencies.
5. Restore my eligibility to receive funds under Title IV, including by restoring any portions of my lifetime eligibility for Pell Grants and federal student loans previously used in order to attend

I request a notification of a hearing or a determination of my asserted defense to repayment within thirty (30) days, in writing. Should you deny any or all of my defense, please inform me of the process for appealing this decision, in writing. I reserve the right to submit supplementary information in support of this application.

## **Section 7: Borrower Acknowledgment, Certifications, Assignment, And Authorization**

I have read and understand all of the information in this form.

I agree to provide, upon request, testimony, a sworn statement, or other documentation reasonably available to me that demonstrates to the satisfaction of the Department of Education or its designee that I meet the qualifications for borrower defense to repayment loan discharge.

All of the information I provided is true and complete to the best of my knowledge and I agree, if asked, to provide information reasonably available to me to the Department of Education that will verify the accuracy of my completed attestation.

I understand that the Department of Education has the authority to verify information reported on this application with other federal or state agencies or other entities. I authorize the Department of Education, along with its agents and contractors, to contact me regarding this request at the phone number above using automated dialing equipment or artificial or prerecorded voice or text messages.

I understand that if I purposely provided false or misleading information on this application, I may be subject to the penalties specified in 18 U.S. Code § 1001.

I certify that, if my defense is successful, upon request I will provide assistance and cooperation to the U.S. Department of Education (the Department) in any proceedings or enforcement actions against the school related to my defense or the conduct asserted herein.

Borrower's Signature \_\_\_\_\_ Date \_\_\_\_\_