

Borrower Defense to Repayment

Pursuant to 20 U.S.C. § 1087e(h), 34 C.F.R. § 685.206(c)(1), and Master Promissory Note (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.

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

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.

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:

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 “a school, in promoting a course of training, to misrepresent the availability of employment after graduation from a course, the success that the member graduates have realized in obtaining such employment, or the salary that the member’s graduates will receive in such employment.” 16 C.F.R. § 254.4(d).
2. Title IV of the Higher Education Act and Amendments, and Department of Education regulations, which prevent schools from participating in Title IV programs from committing “substantial misrepresentation” in interactions with students and prospective students.

Section 6: Requested Relief

Therefore, I request that the Servicer and/or 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 6: Borrower Acknowledgment, Certifications, Assignment, And Authorization

I acknowledge that any person who knowingly makes a false statement or misrepresentation on this form or any accompanying document is subject to penalties that may include fines, imprisonment, or both, under the U.S. Criminal Code and 20 U.S.C. § 1097.

I certify, under penalty of perjury, that all of the information I have provided on this form and in any accompanying documentation is true and accurate to the best of my knowledge and belief.

I certify that I will provide, upon request, testimony, a sworn statement, or other documentation reasonably available to me that demonstrates to the satisfaction of the Department that I meet the qualifications for defense to repayment of my student loans.

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.

I hereby assign and transfer to the U.S. Department of Education (the Department) any right to a refund on the amount discharged that I may have received from the school and/or any owners, affiliates, or assignees of the school, and from any third party that may pay claims for a refund because of the actions or omissions of the school, up to the amount discharged by the Department on my loan(s).

I authorize the loan holder to which I submit this request (and its agents or contractors) to contact me regarding my request or my loan(s), including repayment of my loan(s), at the number that I provide on this form or any future number that I provide for my cellular telephone or other wireless device using automated telephone dialing equipment or artificial or prerecorded voice or text messages.

Borrower's Signature _____ Date _____