

U.S. DEPARTMENT OF EDUCATION
APPLICATION FOR BORROWER DEFENSE TO LOAN REPAYMENT

If your school misled you or engaged in other misconduct, you may be eligible for “borrower defense to repayment,” which is the forgiveness of some or all of your federal student loan debt, and may include reimbursement for amounts paid.

FORM INSTRUCTIONS: To apply, you must complete and sign this form. Submit this form and any additional documents you believe will help us review your application by email to FSAOperations@ed.gov or by mail to: U.S. Department of Education, PO Box 429060, San Francisco, CA 94142.

Please note that any fields that are marked with an asterisk (*) below are required for your application to be considered complete.

SECTION I. BORROWER INFORMATION

* Name (Last, First, Middle) _____

* Date of Birth (mm/dd/yyyy) _____

* Social Security Number (last 4 digits only - XXXX) _____

* Telephone Number _____

* Email Address _____

* Street Address _____

* City _____ * State _____ * ZIP Code _____

* Are you a PARENT who took out a federal loan on behalf of the student? Yes No

* If yes, please enter the full name of the student (Last, First, Middle): _____

* If yes, please enter the student’s Social Security Number (last 4 digits only - XXXX): _____

SECTION II. SCHOOL INFORMATION

* School: _____

Campus: _____

* Location (City, State): _____

* Dates of Enrollment: From (Month, Year): _____ To (Month, Year): _____ (if you are still attending this school/campus, please indicate “still enrolled”)

* Program Name or Major (e.g. Nursing, Medical Assistant, Law) _____

Credential/Degree Sought (e.g. Certificate, Diploma, Associates, Bachelors, Masters) _____

* Current Status at school: ___ Graduated ___ Transferred ___ Withdrew ___ Attending

* Have you made any requests for loan relief from anyone else (for example, a closed school discharge from the U.S. Department of Education, a lawsuit against the school, or a tuition recovery program)?

Yes No

* If yes, please describe the other request(s), including the amount of any payment or loan relief that you received, and provide any documentation about the requests, if available:

SECTION III. BASIS FOR BORROWER DEFENSE

Provide a **detailed** description of why you believe you are entitled to borrower defense:

1. What the school told you or failed to tell you.
2. How the school communicated with you, whether in a brochure, online, over the phone, or in person.
3. The name/title of people who you believe misled you (if known).
4. Why you believe you were misled.

You should also attach any documents related to your application. **Please note that you only need to provide information for the sections below that apply to you, but you must complete at least one section. If you need more space to complete any section, please attach further information.**

EMPLOYMENT PROSPECTS

Did the school mislead you (or fail to tell you important information) about promises of future employment, likelihood of finding a job, how many students graduate, and/or earnings after graduation? Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any harm to you as a result of the school's conduct.

* Did any of the issues you describe above affect your decision to enroll in this school? Yes No

PROGRAM COST AND NATURE OF LOANS

Did the school mislead you (or fail to tell you important information) about how much your classes would cost, how you would pay for your education, the terms of loan repayment, and/or other issues about the cost of your education? Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any harm to you as a result of the school’s conduct.

* Did any of the issues you describe above affect your decision to enroll in this school? Yes No

TRANSFERABILITY OF CREDITS

Did the school mislead you (or fail to tell you important information) about the likelihood your credits from this school would transfer to other schools? Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any harm to you as a result of the school’s conduct.

* Did any of the issues you describe above affect your decision to enroll in this school? Yes No

CAREER SERVICES

Did the school mislead you (or fail to tell you important information) about the availability or quality of job or career services assistance? Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any harm to you as a result of the school's conduct.

* Did any of the issues you describe above affect your decision to enroll in this school? Yes No

EDUCATIONAL SERVICES

Did the school mislead you (or fail to tell you important information) about educational services, such as the availability of externships, qualifications of teachers, the instructional methods, or other types of educational services? Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any harm to you as a result of the school's conduct.

* Did any of the issues you describe above affect your decision to enroll in this school? Yes No

ADMISSIONS & THE URGENCY TO ENROLL

Did the school mislead you (or fail to tell you important information) about the importance of enrolling immediately, the consequences of failure to enroll, how difficult it was to be admitted, or anything else about the admission process? Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any harm to you as a result of the school’s conduct.

* Did any of the issues you describe above affect your decision to enroll in this school? Yes No

OTHER

Do you have any other reasons relating to your school that you believe qualify you for borrower defense, such as your school failing to perform its obligations under its contract with you, or that there is a judgment against your school in a Federal court, a State court, or in front of an administrative board? Or is there some other reason you feel your school misled you? For more information about the basis for borrower defense relief, see StudentAid.gov/borrower-defense.

If yes, you must provide detailed information about how the school misled you. Please also describe any harm to you as a result of the school’s conduct.

* Did any of the issues you describe above affect your decision to enroll in this school? Yes No

SECTION IV. FORBEARANCE/STOPPED COLLECTIONS

By completing this form, you may have all of your federal loans placed into forbearance and have collections on any federal loans in default stopped (“stopped collections”) while we review your application. **However, please note that interest will continue to accrue (accumulate) on all of these federal loans, including subsidized loans. If your application for borrower defense is denied, or partially approved, then when you are taken out of forbearance or stopped collections, the interest that accumulated will be added to the amount you owed when you entered forbearance or stopped collections, and the total amount you owe in the future will be higher.**

You do not have to place your loans in forbearance or stopped collections to apply for borrower defense relief. Please read the following question and answer (“Q & A”) section carefully before you choose whether you want the U.S. Department of Education to place your loans into forbearance or stopped collections.

Q. What does forbearance or stopped collections status mean?

A. During any period that your loans are in forbearance, you do not have to make payments on those loans, and the loans will not go into default. If your loans are already in default, when you enter stopped collections status, collections on your loans will stop. This will continue until the borrower defense review process of your application is completed. Your servicer will notify you when your loan has been placed into forbearance or stopped collections status. Until you receive that notice, you must continue to make payments.

Q. Which of my loans are eligible to go into forbearance or stopped collections status?

A. Initially, if you choose forbearance or stopped collections, it will affect all of your federal student loans that are owned by the U.S. Department of Education and are being serviced by a federal loan servicer, including loans that are not eligible for borrower defense loan forgiveness, such as (1) loans taken out to attend another institution, and (2) any loans you have for which you are not asserting borrower defense. If you select forbearance and you have commercially held Federal Family Education Loans (FFEL) loans, the Department will request forbearance on your behalf.

Q. Can I remove some or all of my loans from forbearance or stopped collections status?

A. If you want the forbearance or stopped collections to apply only to those loans related to your borrower defense application, you must contact your loan servicer after you hear from them confirming the forbearance or stopped collection. Also, after your loans enter forbearance or stopped collection status, if at any time you want to remove all of your loans from forbearance or stopped collections, you must also contact your loan servicer.

Q. Can I make payments on my loans that are in forbearance or stopped collections?

A. Yes. While your federal loans are in forbearance or stopped collections, you are not required to pay your loans. However, you are allowed to make payments on any of your loans that are in forbearance or stopped collections, including payments for accrued interest. As noted above, interest will continue to accrue on all of these loans while they are in forbearance or stopped collections.

Q. What happens if my borrower defense application against the school noted in Section II (above) is successful?

A. Your federal loans related to your application may be discharged partially or completely. If you receive a partial discharge, you will be responsible for repaying any amounts that are not discharged through borrower defense. Also at that time, the forbearance or stopped collections period for any of your other federal loans will end. You will be responsible for repaying those other loans, if applicable, including interest that accrued during the forbearance or stopped collections period.

Q. What happens if my borrower defense application against the school noted in Section II (above) is denied?

A. You will not receive a discharge of any of your loans and the forbearance or stopped collections period will end for all of your loans. You will be responsible for repaying these loans, including interest that accrued during the forbearance or stopped collections period.

For the most current information with regard to your rights and obligations regarding forbearance and stopped collections, please visit the Borrower Defense website at StudentAid.gov/borrower-defense.

*** Are you requesting forbearance or stopped collections?**

Yes, I want all of my federal loans to be placed in forbearance and for collections to stop on any loans in default while my borrower defense application is reviewed. During this time period, I understand that interest will continue to accrue.

No, I do not want all of my federal loans to be placed in forbearance and for collections to stop on any loans in default while my borrower defense application is reviewed. During this time period, I understand that interest will continue to accrue.

If you do not select one of the forbearance or stopped collection options immediately above, your federal loans will be placed into forbearance or stopped collection, and the Department will request forbearance or stopped collection for any commercially held FFEL program loans that you have currently.

SECTION V. CERTIFICATION

By signing this attestation I certify that:

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

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

I certify that I received proceeds of a federal loan, in whole or in part, to attend the school/campus in Section II (above).

I understand that if my application is granted and my loans are forgiven, I am assigning to the U.S. Department of Education any legal claim I have against the school for those forgiven loans. I am not assigning any claims I may have against the school for any other form of relief—including injunctive relief or damages related to private loans, tuition paid out-of-pocket, unforgiven loans, or other losses.

I understand that the U.S. 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 U.S. 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 any rights and obligations with regard to borrower defense to repayment are subject to the provisions currently in effect under Title 34 of the Code of Federal Regulations.

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.C. § 1001. I understand that I may be asked to confirm the truthfulness of the statements in this application to the best of my knowledge under penalty of perjury.

* **Signature:** _____ **Date:** _____

Submit this form and any additional documents you believe will help us review your application by email to FSAOperations@ed.gov or by mail to: U.S. Department of Education, PO Box 429060, San Francisco, CA 94142.

PRIVACY ACT NOTICE

The Privacy Act of 1974 (5 U.S.C. 552a) requires that the following notice be provided to you: The authorities for collecting the requested information from and about you are §421 *et seq.*, §451 *et seq.* and §461 *et seq.* of the Higher Education Act of 1965, as amended (20 U.S.C. 1071 *et seq.*, 20 U.S.C. 1087a *et seq.*, and 20 U.S.C. 1087aa *et seq.*) and the authorities for collecting and using your Social Security Number (SSN) are §§428B(f) and 484(a)(4) of the HEA (20 U.S.C. 1078-2(f) and 20 U.S.C. 1091(a)(4)) and 31 U.S.C. 7701(b). Participating in the William D. Ford Federal Direct Loan (Direct Loan) Program, the Federal Family Education Loan (FFEL) Program, or the Federal Perkins Loan (Perkins Loan) Program, and giving us your SSN are voluntary, but you must provide the requested information, including your SSN, to participate. The principal purposes for collecting the information on this form, including your SSN, are to verify your identity, to determine your eligibility to receive a loan or a benefit on a loan (such as a deferment, forbearance, discharge, or forgiveness) under the Direct Loan Program, FFEL, or Perkins Loan Programs, to permit the servicing of your loan(s), and, if it becomes necessary, to locate you and to collect and report on your loan(s) if your loan(s) becomes delinquent or defaults. We also use your SSN as an account identifier and to permit you to access your account information electronically. The information in your file may be disclosed, on a case- by-case basis or under a

computer matching program, to third parties as authorized under routine uses in the appropriate systems of records notices. The routine uses of this information include, but are not limited to, its disclosure to federal, state, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to consumer reporting agencies, to financial and educational institutions, and to guaranty agencies in order to verify your identity, to determine your eligibility to receive a loan or a benefit on a loan, to permit the servicing or collection of your loan(s), to enforce the terms of the loan(s), to investigate possible fraud and to verify compliance with federal student financial aid program regulations, or to locate you if you become delinquent in your loan payments or if you default. To provide default rate calculations, disclosures may be made to guaranty agencies, to financial and educational institutions, or to state agencies. To provide financial aid history information, disclosures may be made to educational institutions. To assist program administrators with tracking refunds and cancellations, disclosures may be made to guaranty agencies, to financial and educational institutions, or to federal or state agencies. To provide a standardized method for educational institutions to efficiently submit student enrollment statuses, disclosures may be made to guaranty agencies or to financial and educational institutions. To counsel you in repayment efforts, disclosures may be made to guaranty agencies, to financial and educational institutions, or to federal, state, or local agencies. In the event of litigation, we may send records to the Department of Justice, a court, adjudicative body, counsel, party, or witness if the disclosure is relevant and necessary to the litigation. If this information, either alone or with other information, indicates a potential violation of law, we may send it to the appropriate authority for action. We may send information to members of Congress if you ask them to help you with federal student aid questions. In circumstances involving employment complaints, grievances, or disciplinary actions, we may disclose relevant records to adjudicate or investigate the issues. If provided for by a collective bargaining agreement, we may disclose records to a labor organization recognized under 5 U.S.C. Chapter 71. Disclosures may be made to our contractors for the purpose of performing any programmatic function that requires disclosure of records. Before making any such disclosure, we will require the contractor to maintain Privacy Act safeguards. Disclosures may also be made to qualified researchers under Privacy Act safeguards.

PAPERWORK REDUCTION ACT NOTICE

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1845-NEW. Public reporting burden for this collection of information is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit (20 U.S.C. 1087e(h)). If you have comments or concerns regarding the status of your individual submission of this application, please contact FSAOperations@ed.gov directly.