



U.S. DEPARTMENT OF EDUCATION
BORROWER DEFENSE

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INSTRUCTIONS

Under the Borrower Defense to Repayment (“Borrower Defense”) Regulations certain misconduct committed by a school that you attended, or that your child attended if you are a parent PLUS borrower, might make you eligible to receive a discharge of your applicable federal student loans. This is called a “Borrower Defense to Repayment” discharge. The type of conduct that might make you eligible for student loan relief and the process by which the Department of Education will review your claim may differ based upon when you took out your loan. Please note, if you consolidated your loans we evaluate your application based upon when your loan was consolidated. In general, loans taken out or consolidated on or prior to June 30, 2017, will be evaluated under 34 C.F.R. Section 685.206(c), while those taken out or consolidated between July 1, 2017, and June 30, 2020, will be evaluated under 34 C.F.R. § 685.222(a). Loans taken out or consolidated on or after July 1, 2020, will be evaluated under 34 CFR § 685.206(e). It is possible, depending on when your loans were disbursed, that your application may be reviewed under multiple regulations. Due to the fact that multiple regulations may apply, in completing this application you may be asked different questions about different loans or may receive a different determination regarding your eligibility for a discharge of loans taken out or consolidated at different points in time.

If you believe that you may qualify for a Borrower Defense to Repayment discharge, you should complete this application. It outlines the types of misconduct by the school that might qualify you for relief. Once you submit this application, the U.S. Department of Education (“ED”) will review your allegations. ED will also ask your school to respond to your claims. ED will then consider your application, any additional evidence you provide, any evidence in our possession, and any response received from your school. ED will notify you when the review is complete and a decision has been made. Please note that the timeline for adjudication is lengthy and, depending on the volume of applications received, you may not receive a decision on your application for years. For more information, please visit the borrower defense website.

ED strongly encourages you to provide as much detail as possible in this application for your relevant claim or claims. For example, including the names or titles of the individuals you interacted with at the school during the making of your loans, the timeframe that this interaction took place, the words that were said, any documentation you may have of your claims, and other relevant details are very helpful to ED in assessing your application. This information will help ED to better evaluate your application. Everything in the application must be true and complete to the best of your knowledge.

What kind of conduct by the school can lead to an approved application?

Borrowers with loans taken out or consolidated on or prior to June 30, 2017:

You may qualify for a Borrower Defense to Repayment under 34 C.F.R. Section 685.206(c) if: a school or its representatives made untruthful or misleading statements or acts while trying to convince you to enroll or to remain enrolled; that information was important to you when you decided whether to enroll or remain enrolled; the misconduct caused you harm; and you would have a basis to successfully sue the school under applicable state law.

The school or its representatives could have made these untruthful or misleading statements directly to you, or in the school's marketing materials, websites, or other communications.

In determining whether you would have a basis to sue the school under applicable state law, we will consider your allegations under the consumer protection statute of the applicable state. If you believe another type of law was violated, please include that information.

Borrowers with loans taken out or consolidated between July 1, 2017, and June 30, 2020:

- You may qualify for a Borrower Defense to Repayment discharge under 34 C.F.R. § 685.222(a) if: your school or its representatives made untruthful or misleading statements or acts while trying to convince you to enroll or to remain enrolled; that information was important to you when you decided whether to enroll or remain enrolled; and the misconduct caused you harm.
- You may also qualify for Borrower Defense to Repayment if your school concealed, suppressed, or omitted certain information that would have been important to your decision of whether to enroll or remain enrolled, and the concealment caused you harm. This includes conduct such as concealing or suppressing information concerning the nature of your school's educational program, financial charges, or employability of its graduates.

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- The school's conduct must relate to untruthful or misleading statements concerning one or more of the following areas:
 - o Graduates' employment outcomes; for example:
 - Guarantees of employment; or
 - Guarantees that you would earn a certain salary.
 - o The school's educational programs; for example:
 - Whether completion of a program qualifies you for a specific license or certification;
 - The number, availability, and qualifications of instructors; or
 - Your ability to transfer credits to another school;
 - o The school's financial charges; for example:
 - The school's program cost; or
 - The availability or type of financial assistance available to you.
1. In some circumstances, a lawsuit that results in certain outcomes against a school may qualify you for a Borrower Defense to Repayment discharge. For the lawsuit to qualify, it must be based on the school's misconduct related to your decision to enroll or remain enrolled. It must have been brought by you, a government agency, or, if it's a class action lawsuit, have you included as a class member. In addition, it must have resulted in a nondefault, favorable, contested judgment (i.e., a judgment against the school and in favor of the plaintiff based on the merits of the claim). Settlement agreements do not qualify you for Borrower Defense relief under this consideration.
 2. Finally, in some circumstances, a school's failure to perform its obligations under a contract with you (such as in an enrollment agreement) may qualify you for a Borrower Defense to Repayment discharge. To qualify, those obligations must have been important to you when you were deciding whether to enroll or remain enrolled and caused you harm warranting a full discharge and refund of all applicable federal loans.

Borrowers who took out loans or consolidated loans on or after July 1, 2020:

You may qualify for Borrower Defense to Repayment under 34 CFR § 685.206(e) if: your school or its representatives made untruthful or misleading statements or acts while trying to convince you to enroll or to remain enrolled; if the school made the misleading statements with knowledge of its false, misleading, or deceptive nature; that information was important to you when you decided whether to enroll or remain enrolled; and the misconduct caused you financial harm.

The school's conduct must relate to untruthful or misleading statements concerning one or more of the following areas:

- Graduates' employment outcomes;
- The school's educational programs;
- The school's financial charges.

You should provide as much as detail as possible in the sections below about the statement, act, or omission that you believe qualifies you for a Borrower Defense to Repayment. Additionally, you should include the following documents:

- Documents that support your claim that your school lied to you or misled you, including: any e-mails or other communications between you and your school, course catalogs, student manuals, and any advertisements or other brochures from your school that influenced your decision to enroll or continue attending.
- Documents that support your claim that there was a judgment against your school, including a copy of the court's judgment, if available.
- Documents that support your claim that your school breached a contract with you if your claim is based on a breach of contract, including a copy of the contract itself.
- Documents that show the date(s) of your enrollment and your program of study, including enrollment agreements, transcripts, and diplomas.

Any other documentation that is related to the reason you are applying for Borrower Defense relief.

By completing this application, you are certifying, under penalty of perjury, that all the information provided is true and complete. This means that you could face criminal prosecution under the U.S. Criminal Code and 20 U.S.C. § 1097 if you knowingly submit a false statement on your application.

SECTION 1: BORROWER INFORMATION

If your contact information changes after you submit the application, it is important that you update the information in your account.

Please provide contact information for the borrower:

First Name	Middle Name	Last Name
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Date of Birth (<i>mm/dd/yyyy</i>)	Social Security Number	Telephone Number
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Email Address

Street Address	City	State	ZIP Code
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Campus Location (City, State):

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

In what state(s) did you live during the enrollment period that is the subject of this claim? Please include the month/year when you lived in each state listed.

Enrollment dates at this school (month/year to month/year):

Are you still enrolled at this school? Yes No

Did you attend in person or online? _____

If you attended online, was it fully online or hybrid? _____

Are the enrollment dates listed above approximate or exact? ☐ Approximate ☐ Exact

Program Name or Major (*e.g., Engineering, Law, Nursing*):

Credential/Degree Sought (*e.g., Certificate, Diploma, Associates, Bachelor's, Master's*):

Current enrollment status at school listed above:

☐ Graduated ☐ Transferred Out ☐ Withdrew ☐ Attending

Note: if you are still enrolled at this school, indicate that you are “attending” even if, at the time you complete this application, you are on a scheduled break, an approved leave of absence, or have decided to not attend classes during the current term but plan to resume attendance in the near future.

What was your level of education at the time you enrolled (e.g. High School, GED, Certificate Program, Associate's Degree, Bachelor's Degree, Master's Degree, Doctorate Degree, Other)? If you are a parent who took out a federal parent PLUS loan on behalf of the student, what was the student's level of education at the time they enrolled?

SECTION 3: CONDUCT THAT MAY RESULT IN A BORROWER DEFENSE APPROVAL

The following are common categories of misconduct alleged by borrowers, including some specific examples. You should only check the boxes that apply to you. Please select all that apply. If none of the categories apply to you, there is an "Other" category at the end of Section 3.

You **must** answer the questions that follow the checkboxes in the space provided. The questions request additional information describing the misconduct, including information like what occurred, when it occurred, how it affected you, and other details necessary to consider your application.

EMPLOYMENT PROSPECTS

Does your allegation concern what the school told you about or failed to tell you about your prospects of obtaining a job, or the employment outcomes of prior graduates? If yes, Please select all that apply:

- ☐ My school misled me about my likelihood of obtaining a job, such as by misleading me about the number of graduates who were employed in the field of study the program was preparing them for.
- ☐ My school misrepresented its job placement rates.
- ☐ My school misrepresented the demand for graduates in my field.
- ☐ My school misrepresented its relationships with specific employers.
- ☐ My school misled me about my likely earnings after graduation by exaggerating the earnings of graduates.
- ☐ My school failed to tell me that obtaining a job or required licensure/certification in my field of study was highly unlikely due to my prior criminal history, a preexisting medical condition, or another circumstance known by my school.
- ☐ Other acts, statements, or omissions related to employment prospects, please identify:

In the boxes below, you should describe the requested information in detail and in your own words to ensure you have a complete application. If the acts or omissions you experienced occurred during different interactions with the school please include detail about each interaction. Please include any documentation you have supporting your responses.

- **What** did the school say, write, represent to you, or conceal from you? Please be as specific as possible. What did the school's actions lead you to believe?

- **Who or what** provided you this information, or concealed this information from you (include the person's name and title, if known)?

- **When and where** were you told this information (for example, the approximate date or time of year and whether it was during a campus tour or interview, in a meeting, or over the phone)? If the school concealed or suppressed information from you, please explain when and where you should have received this information.

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- **How** was the information communicated to you or concealed from you (for example, via e-mail, in person, through an advertisement, through the school's website)? Please provide examples of the school's communication, if possible.

- **How** was the information described above false or misleading? How did you determine the information was false or misleading?

- **Was** the information provided to you, or concealed from you, the basis of or important to your decision to attend the school? (Yes/No). Please explain.

- **Has** the information provided to you, or concealed from you, caused you harm (for example, have you suffered financial harm, lost opportunities, or experienced other harm as a result)? If yes, please explain.

Please provide any other information you believe is important to this claim.

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Does your allegation concern what the school told you about or failed to tell you about the scope and availability of the career services support it would provide? If yes, please select all that apply:

- ☐ My school promised it would provide career services assistance (including, but not limited to resume writing help, mock interviews, and responding to job listings), but it did not.
- ☐ My school promised that it would find me a job when I graduated, but it did not.
- ☐ Other acts, statements, or omissions related to career services, please identify:

In the boxes below, you should describe the requested information in detail and in your own words to ensure you have a complete application. If the acts or omissions you experienced occurred during different interactions with the school please include detail about each interaction. Please include any documentation you have supporting your responses.

- **What** did the school say, write, represent to you, or conceal from you? Please be as specific as possible. What did the school's actions lead you to believe?

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- **Who or what** provided you this information, or concealed this information from you (include the person's name and title, if known)?

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- **When and where** were you told this information (for example, the approximate date or time of year and whether it was during a campus tour or interview, in a meeting, or over the phone)? If the school concealed or suppressed information from you, please explain when and where you should have received this information.

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- **How** was the information communicated to you or concealed from you (for example, via e-mail, in person, through an advertisement, through the school's website)? Please provide examples of the school's communication, if possible.

-
- **How** was the information described above false or misleading? How did you determine the information was false or misleading?

-
- **Was** the information provided to you, or concealed from you, the basis of or Important to your decision to attend the school? (Yes/No). Please explain.

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- **Has** the information provided to you, or concealed from you, caused you harm (for example, have you suffered financial harm, lost opportunities, or experienced other harm as a result)? If so, please explain.

Please provide any other information you believe is important to this claim.

ACCREDITATION AND LICENSURE QUALIFICATIONS

Does your allegation concern what your school told you or failed to tell you about its institutional or programmatic accreditation? If yes, please select all that apply:

- ☐ My school misled me regarding whether my program had the accreditation necessary to qualify graduates for required licensure or certification or to sit for a licensing exam.
- ☐ My school misled me regarding the passage rate of graduates who sit for licensure or certification exams.
- ☐ My school failed to tell me that my school or program lacked proper accreditation or was not authorized by the appropriate agency in my state.
- ☐ My school misrepresented that it was accredited when it was not.
- ☐ Other acts, statements, or omissions related to accreditation, please identify:

In the boxes below, you should describe the following information in detail and in your own words to ensure you have a complete application. If the acts or omissions you experienced occurred during different interactions with the school please include detail about each interaction. Please include any documentation you have supporting your responses.

- **What** did the school say, write, represent to you, or conceal from you? Please be as specific as possible. What did the school's actions lead you to believe?

- **Who or what** provided you this information, or concealed this information from you (include the person's name and title, if known)?

- **When and where** were you told this information (for example, the approximate date or time of year and whether it was during a campus tour or interview, in a meeting, or over the phone)? If the school concealed or suppressed information from you, please explain when and where you should have received this information.

- **How** was the information communicated to you or concealed from you (for example, via e-mail, in person, through an advertisement, through the school's website)? Please provide examples of the school's communication, if possible.

- **How** was the information described above false or misleading? How did you determine the information was false or misleading?

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- **Was** the alleged information provided to you, or concealed from you, the basis of or Important to your decision to attend the school? (Yes/No). Please explain.

- **Has** the information provided to you, or concealed from you, caused you harm (for example, have you suffered financial harm, lost opportunities, or experienced other harm as a result)? If so, please explain.

Please provide any other information you believe is important to this claim.

TRANSFERRING CREDITS

Does your allegation concern what your school told your or failed to tell you about transferring credits into or out of the school? If yes, please select all that apply:

- ☐ My school told me that my credits were transferrable to a specific school, but they were not.
- ☐ My school told me that the credits I earned at the school were generally transferrable to other schools, but they were not.
- ☐ My school told me it would accept credits I had earned elsewhere, but after I enrolled, it told me that it would not accept some or all of my transfer credits.
- ☐ Other acts, statements, or omissions related to transferring credits, please identify:

In the boxes below, you should describe the requested information in detail and in your own words.to ensure you have a complete application. If the acts or omissions you experienced occurred during different interactions with the school please include detail about each interaction. Please include any documentation you have supporting your responses.

- **What** did the school say, write, represent to you, or conceal from you? Please be as specific as possible. What did the school's actions lead you to believe?

- **Who or what** provided you this information, or concealed this information from you (include the person's name and title, if known)?

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- **When and where** were you told this information (for example, the approximate date or time of year and whether it was during a campus tour or interview, in a meeting, or over the phone)? If the school concealed or suppressed information from you, please explain when and where you should have received this information.

- **How** was the information communicated to you or concealed from you (for example, via e-mail, in person, through an advertisement, through the school's website)? Please provide examples of the school's communication, if possible.

- **How** was the information described above false or misleading? How did you determine the information was false or misleading?

- **Was** the information provided to you, or concealed from you, the basis of or Important to your decision to attend the school? (Yes/No). Please explain.

- **Has** the information provided to you, or concealed from you, caused you harm (for example, have you suffered financial harm, lost opportunities, or experienced other harm as a result)? If so, please explain.

Please provide any other information you believe is important to this claim.

EDUCATIONAL SERVICES

Does your allegation concern what your school told you or failed to tell you about the availability of the educational opportunities or support services it provided? If yes, please select all that apply:

- ☐ My school misrepresented the availability of internships or externships or the assistance it would provide in obtaining required internships or externships.
- ☐ My school misrepresented the availability or qualifications of its faculty.
- ☐ My school misrepresented the type and availability of any tutoring or specialized instruction or assistance it would provide me before, during, or after completion of a course.
- ☐ My school misrepresented how I would be taught (for example, in-person versus online).

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- ☐ My school misrepresented the prerequisites required for my course of study.
 - ☐ My school misrepresented how often required courses would be available or when those courses would be scheduled (e.g. you were promised you could complete the program by enrolling on weekends, but later learned that a required course was available only on weekdays during regular business hours when you work).
 - ☐ My school misrepresented the number of credits required to graduate.
 - ☐ My school told me I would be able to graduate in a certain amount of time, but then did not offer enough sections of required classes so that I could complete the program on time.
 - ☐ My school claimed to be a selective admissions school, but actually had an open-enrollment policy, meaning that they enrolled everyone regardless of their grade point average, test scores, volunteer experiences, or other entrance requirements.
 - ☐ My school misrepresented the program in which I would be enrolled or the degree/credential I would receive.
 - ☐ My school misrepresented its criteria for admission, meaning the basis upon which a school determines who it will admit.
 - ☐ Other acts, statements, or omissions related to educational services, please identify:

In the boxes below, you should describe the requested information in detail and in your own words to ensure you have a complete application. If the acts or omissions you experienced occurred during different interactions with the school please include detail about each interaction. Please include any documentation you have supporting your responses.

- **What** did the school say, write, represent to you, or conceal from you? Please be as specific as possible. What did the school's actions lead you to believe?

- **Who or what** provided you this information, or concealed this information from you (include the person's name and title, if known)?

- **When and where** were you told this information (for example, the approximate date or time of year and whether it was during a campus tour or interview, in a meeting, or over the phone)? If the school concealed or suppressed information from you, please explain when and where you should have received this information.

- **How** was the information communicated to you or concealed from you (for example, via e-mail, in person, through an advertisement, through the school's website)? Please provide examples of the school's communication, if possible.

- **How** was the information described above false or misleading? How did you determine the information was false

or misleading?

- **Was** the information provided to you, or concealed from you, the basis of or important to your decision to attend the school? (Yes/No). Please explain.

- **Has** the information provided to you, or concealed from you, caused you harm (for example, have you suffered financial harm, lost opportunities, or experienced other harm as a result)? If so, please explain.

Please provide any other information you believe is important to this claim.

PROGRAM COST AND NATURE OF LOANS

Does your allegation concern what your school told you or failed to tell you in about the cost of your program or the nature of your loans? If yes, please select all that apply:

- ☐ My school told me I was receiving only grants and scholarships, but I found out later that some or all of those funds were loans.
- ☐ My school misrepresented the repayment terms or total cost of the loans that it arranged for me, provided to me, or that were provided to me by a lender the school recommended.
- ☐ My school misrepresented the overall cost of my program.
- ☐ My school misrepresented what costs were or were not included in the published tuition and fees.
- ☐ My school misrepresented the cost of living in campus-owned or campus-operated housing.
- ☐ My school offered me a full scholarship when admitting me to the school, but then reduced the scholarship amount or failed to renew the scholarship even though I met the scholarship requirements, such as by maintaining a certain GPA, enrolling in a particular program, performing required community or volunteer service, or some other criteria that I satisfied.
- ☐ Other acts, statements, or omissions related to program cost and nature of loans, please identify:

In the boxes below, you should describe the requested information in detail and in your own words to ensure you have a complete application. If the acts or omissions you experienced occurred during different interactions with the school

please include detail about each interaction. Please include any documentation you have supporting your responses.

- **What** did the school say, write, represent to you, or conceal from you? Please be as specific as possible. What did the school's actions lead you to believe?

- **Who or what** provided you this information, or concealed this information from you (include the person's name and title, if known)?

- **When and where** were you told this information (for example, the approximate date or time of year and whether it was during a campus tour or interview, in a meeting, or over the phone)? If the school concealed or suppressed information from you, please explain when /and where you should have received this information.

- **How** was the information communicated to you or concealed from you (for example, via e-mail, in person, through an advertisement, through the school's website)? Please provide examples of the school's communication, if possible.

- **How** was the information described above false or misleading? How did you determine the information was false or misleading?

- **Was** the information provided to you, or concealed from you, the basis of or important to your decision to attend the school? (Yes/No). Please explain.

- **Has** the information provided to you, or concealed from you, caused you harm (for example, have you suffered financial harm, lost opportunities, or experienced other harm as a result)? If so, please explain.

Please provide any other information you believe is important to this claim.

Urgency To Enroll

A school creating urgency to enroll is not itself a basis for a Borrower Defense to Repayment discharge but can be considered as evidence supporting the reasonableness of a borrower's reliance on a misrepresentation. Applicants completing this section must also make a separate allegation of school misconduct to obtain a Borrower Defense to Repayment discharge.

Did the school pressure you to make an enrollment decision immediately? Please select all that apply:

- ☐ My school pressured me to enroll or to make loan-related decisions immediately.
- ☐ My school placed an unreasonable emphasis on what would happen if I delayed enrollment such as telling me that I would lose my place or my financial aid if I did not enroll right away.
- ☐ My school discouraged me from discussing my decision with family members or reviewing other resources prior to enrolling or making loan-related decisions.
- ☐ My school pressured me to enroll or to make loan-related decisions without giving me enough time to review the relevant documents or failed to respond to my requests for more information about the cost of the program or nature of financial aid.
- ☐ My school took unreasonable advantage of my lack of knowledge about higher education or financial aid to pressure me into enrolling or taking out loans to attend the school.
- ☐ Other, please identify:

Please explain in as much detail as possible:

REPRESENTATIONS TO THIRD PARTIES

Did your school provide misleading or incorrect data about the school's admissions requirements, selectivity, or student outcomes to an accreditor or an organization that ranks or rates schools of higher education?

Please select all that apply:

- ☐ My school misrepresented information about itself or enrolled students to a ranking organization, such as *U.S. News and World Report* or *Barron's Profile of American Colleges*.
- ☐ My school misrepresented information about itself or enrolled students to an accrediting agency.
- ☐ My school misrepresented information about itself or enrolled students to a state higher education authorizing agency such as the New York State Department of Education, Office of College and University Evaluation or the Illinois Board of Higher Education.
- ☐ My school misrepresented information about itself or enrolled students to a Federal agency, such as the U.S. Department of Veterans Affairs or the U.S. Department of Education.
- ☐ Other acts, statements, or omissions related to representations to third parties, please identify:

In the boxes below, you should describe the requested information in detail and in your own words to ensure you have a complete application. If the acts or omissions you experienced occurred during different interactions with the school please include detail about each interaction. Please include any documentation you have supporting your responses.

- **What** did the school say, write, represent to you, or conceal from you? Please be as specific as possible. What did the school's actions lead you to believe?

- **Who or what** provided you this information, or concealed this information from you (include the person's name and title, if known)?

- **When and where** were you told this information (for example, the approximate date or time of year and whether it was during a campus tour or interview, in a meeting, or over the phone)? If the school concealed or suppressed information from you, please explain when and where you should have received this information.

- **How** was the information communicated to you or concealed from you (for example, via e-mail, in person, through an advertisement, through the school's website)? Please provide examples of the school's communication, if possible.

- **How** was the information described above false or misleading? How did you determine the information was false or misleading?

- **Was** the information provided to you, or concealed from you, the basis of or important to your decision to attend the school? (Yes/No). Please explain.

- **Has** the information provided to you, or concealed from you, caused you harm (for example, have you suffered financial harm, lost opportunities, or experienced other harm as a result)? If so, please explain.

Please provide any other information you believe is important to this claim.

JUDGMENT

Note: This section only applies to borrowers who received a Direct Loan, including a Direct Consolidation Loan, on or after July 1, 2017, and prior to July 1, 2020.

Did you successfully file suit and obtain one or more nondefault, favorable, contested judgments against your school in a Federal or State court or from a Federal or State administrative tribunal or did you benefit from a government enforcement action or from a nondefault, favorable, contested judgment that arose from your participation in class action litigation?

☐ Yes ☐ No

Note: A settlement does not qualify you for Borrower Defense relief under the judgment prong of the 2016 regulation (34 C.F.R. § 685.222(b)) even if the settlement was favorable to you. A settlement agreement is not a favorable judgment for the purposes of Borrower Defense relief. This includes prior settlements with the Department related to Borrower Defense relief.

How much was awarded to you in the judgment or court order?

Please attach the judgment (i.e. the court order or opinion) and all relevant documents relating to your judgment(s). If you don't have a copy of the court documents, please provide as much information as you can about the judgment or order, including the approximate date (month and year) it was obtained, the court or tribunal where the case was heard, and the name of the plaintiff(s) if you were not a named plaintiff (for example, in the case of a class action).

BREACH OF CONTRACT

Note: This section only applies to borrowers who received a Direct Loan, including a Direct Consolidation Loan, on or after July 1, 2017, and prior to July 1, 2020.

Did your school breach a contract with you?

First, did you ever enter into a contract with your school (e.g., did you sign an enrollment agreement when you enrolled? Or did you sign an agreement regarding a scholarship or other financial aid benefit)?

☐ Yes ☐ No

Second, did your school fail to perform any obligation under the contract?

☐ Yes ☐ No

Please attach the contract and all relevant documents.

Please describe, in as much detail as you can, the ways in which you believe the school failed to perform its obligations under any contract it entered into with you.

OTHER

Are there any other allegations relating to your enrollment at this school that you have not previously described on this application? Yes ☐ No ☐

If yes, please identify what the school misrepresented or failed to tell you:

In the boxes below, you should describe the following information in detail and in your own words to ensure you have a complete application:

- **What** did the school say, write, represent to you, or conceal from you? Please be as specific as possible. What did the school's actions lead you to believe?

- **Who or what** provided you this information, or concealed this information from you (include the person's name and title, if known)?

- **When and where** were you told this information (for example, the approximate date or time of year and whether it was during a campus tour or interview, in a meeting, or over the phone)? If the school concealed or suppressed information from you, please explain when and where you should have received this information.

- **How** was the information communicated to you or concealed from you (for example, via e-mail, in person, through an advertisement, through the school's website)? Please provide examples of the school's communication, if possible.

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- **How** was the information described above false or misleading? How did you determine the information was false or misleading?

- **Was** the information provided to you, or concealed from you, the basis of or important to your decision to attend the school? (Yes/No). Please explain.

- **Has** the information provided to you, or concealed from you, caused you harm (for example, have you suffered financial harm, lost opportunities, or experienced other harm as a result)? If so, please explain.

Please provide any other information you believe is important to this claim.

SECTION 4: HARM

Above, you were required to explain how each specific type of misconduct by your school caused you harm. Please use the space below as an opportunity to explain how all the misconduct, taken together, caused you harm, and how the misconduct of the school has impacted your life more broadly.

- Did you experience harm as a result of the school's statements, acts, or omissions? For example: because your credits did not transfer you had to start over at a different school; you were unable to find a job when you graduated; you do not have the certification the school promised you would obtain and are now unable to enter your field of study. If yes, please explain.

- **How** did the school's statements, acts, or omissions cause you this harm?

- **How** has your life been impacted by this harm?

SECTION 4a: FINANCIAL HARM

Note: This section only applies to borrowers who receive a Direct Loan, including a Direct Consolidation Loan, on or after July 1, 2020.

You are eligible to receive full or partial loan discharge as a result of an eligible borrower defense claim only if you have suffered financial harm as a result of your school's misrepresentation. We can only discharge federal student loans, and the amount of a discharge that you may be eligible to receive cannot be more than what you borrowed. For example, we cannot consider private student loans you may have borrowed.

Evidence of financial harm **may** include:

- Periods of unemployment unrelated to national or regional economic recessions.
- A significant difference between the amount or nature of the tuition and fees that the school said they would charge, and the actual amount or nature of the tuition and fees charged by the school.
- Your inability to secure employment in the field of study for which your school expressly guaranteed employment.
- Your inability to complete the program because the school no longer offers a requirement necessary for completion of the program in which you enrolled and the school did not provide for an acceptable alternative requirement to enable completion of the program.

Financial harm **does not include:**

- Nonmonetary loss, such as personal injury, inconvenience, aggravation, emotional distress, pain and suffering, punitive damages, or opportunity costs.
- The act of taking out a federal student loan or merely having federal student loan debt.
- Your voluntary decision to pursue less than full-time work.
- Your decision to not work.
- Your decision to voluntarily change occupations or pursue a different line of work.
- Payments you made other than through the use of federal student loans.

Did you suffer financial harm as a result of your school's misrepresentation? (Y/N). If so, how much financial harm did you incur? Please explain.

The amount you report in this field does not limit the amount of harm the Department may determine you suffered. The information you provide helps us review financial harm, and the Department also considers published earnings information from prior graduates to determine whether or not you were financially harmed, and how much harm you incurred. If you complete this field, you may include the amount of your federal student loans. However, this information is not required, the Department has this information already.

Please explain how you determined that amount?

For which jobs did the program say it would prepare you, if any?

When and how did the school provide you with this information?

Have you actively pursued employment in the field for which your education was intended to prepare you?

Yes No

If yes, list jobs in your field for which you applied, and the approximate date on which you applied for each, as well as any reason you may have been given for not being selected for that or those jobs. You may limit the list to jobs for which you have applied during the most recent year.

Job Title	Approximate Date Applied	Reason for Not Being Selected for the Position

If yes, please include documents that demonstrate this pursuit. These may include:

- Job application confirmation emails
- Correspondence with potential employers
- Registration at job fairs
- Enrolling with a job recruiter
- Attendance at a resume workshop

Have you failed to meet other requirements or qualifications for employment in your field of study for reasons unrelated to your school's misrepresentation such as, but not limited to, your ability to pass a drug test, satisfy driving record requirements, or meet health qualifications?

Yes No

If yes, please explain:

SECTION 5: OTHER REFUNDS, REMEDIES, LOAN REDUCTION OR TUITION RECOVERY REQUESTS OR ACTIONS:

Have you made any attempt, other than by submitting this application, to recover tuition or fees that you paid to your school or to have your student loans forgiven (for example, submitting a closed school loan discharge application to the U.S. Department of Education or seeking relief as part of a class action lawsuit or other settlement)?

☐ Yes ☐ No

If yes, please describe these other request(s), and attach any documentation about the requests, if available.

Have you received financial relief as a result of any of these attempts? If so, how much relief did you receive?

Have you been denied financial relief for any of the attempts you have made or that were made by others on your behalf?

☐ Yes ☐ No

If so, which ones and why?

Have you been, or are you currently in, arbitration with the school that is the subject of this application?

☐ Yes ☐ No

If yes, what was the date that a written request for arbitration was filed, by either yourself or the school?

Documentation: Please attach any relevant documents related to the arbitration, for example:

- Demand for Arbitration
- Transcripts
- Enrollment agreements
- Promotional materials from your school
- Communications with school officials or employees
- Student Manual
- Course Catalog
- Legal documents
- Findings or determinations made by the arbitrator or arbitration panel
- Arbitration Award
- Any other documentation that you believe is related to the arbitration.

SECTION 6: FORBEARANCE AND STOPPED COLLECTIONS

When we receive your application, your loans will be put in forbearance or stopped collections status unless you request otherwise.

If you are not currently in default on any federal student loan, your loans will be put into **forbearance** while your application is under review. "Forbearance" means that you do not have to make loan payments and your loans will not go into default while your application for a Borrower Defense discharge is pending with the U.S. Department of Education. Your servicer will notify you when your loans have been placed into forbearance status.

If any of your federal student loans are in default, your loans will be put into **stopped collections status** while your application is under review. "Stopped collections status" means that the holder of your defaulted loan will not attempt to collect on the defaulted loan(s), including efforts to withhold money from your wages or federal income tax refunds, while your Borrower Defense application is pending with the U.S. Department of Education.

If you have more questions about forbearance or stopped collections, visit [StudentAid.gov/borrower-defense](https://studentaid.gov/borrower-defense) or contact your servicer. If you do not know who your servicer is, please visit [StudentAid.gov/aid-summary](https://studentaid.gov/aid-summary) or call 1-800-4-FED-AID.

If your application for a Borrower Defense to Repayment discharge is denied, the total amount you owe on those loans may be higher. If you wish to make interest payments while your loans are in a forbearance or stopped collections status, please contact your servicer.

You do not have to place your loans in forbearance or stopped collections to apply for Borrower Defense relief. Instead, you may continue making payments on your loans, especially if you are in a repayment program like loan rehabilitation to remove your loans from default or are seeking loan forgiveness through a program such as Public Service Loan Forgiveness.

You can learn more about repayment options at <https://studentaid.gov/manage-loans/repayment/plans>, including income driven repayment options at <https://studentaid.gov/idr/>.

Do you wish to request that your loans not be placed into forbearance, meaning that you will need to continue making student loan payments while your application is being reviewed?

☐ I wish to have my loans placed into forbearance or stopped collection status.

☐ I DO NOT wish to have my loans placed into forbearance or stopped collections.

If you do not select one of the options above and you are not in default on a federal student loan, ED will automatically place your federal student loan(s) into forbearance during our review of the application and the issuance of a decision.

If you do not select one of the options set forth above and you are in default on a loan, ED will place the federal student loan(s) that is (are) the subject of your Borrower Defense application into stopped collection status during our review of the application and the issuance of a decision.

ED will also ask holders of Federal Family Education Loan (FFEL) program loans not held by ED to make these same changes.

SECTION 7: CERTIFICATION

By signing this attestation, I certify, under penalty of perjury, that:
all of the information that I provided is true and complete.

Any person who knowingly makes a false statement or misrepresentation on this form or on 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 sign this application under penalty of perjury.

I also agree to the following: to provide to the U.S. Department of Education additional information that is reasonably available to me that will verify the accuracy of my completed attestation and 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 relief.

I also certify that I received proceeds of a federal loan, in whole or in part, to attend the school/campus identified in Section 2 above.

I also certify that I have not received a refund, tuition recovery, settlement, or other financial restitution to repay the loans that are the subject of this Borrower Defense claim, except as otherwise disclosed in my application.

I understand that if my application is approved and some or all of 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. By assigning my claims, I am transferring my interest in any claim that I could make against the school relating to the forgiven loans (including the ability to file a lawsuit over those forgiven loans and any money ultimately recovered in compensation for those forgiven loans in court or other legal proceedings) to the U.S. Department of Education. **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, loans not forgiven by the Department, or other financial 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 are subject to the provisions currently in effect under Title 34 of the Code of Federal Regulations.

I agree to allow the school that is the subject to this Borrower Defense application to provide the Department with items from my student educational record relevant to this Borrower Defense application.

If one or more of the loan(s) that was made for me to attend the school that is the subject of this Borrower Defense application is a federal non-Direct loan and my application is approved for a Borrower Defense discharge, I agree that the U.S. Department of Education will consolidate those loans into a Direct Consolidation Loan to the extent allowed by law and regulation if necessary to effectuate my discharge.

If a Federal Direct Consolidation is needed to effectuate my discharge, I authorize:

- A. The U.S. Department of Education to contact the holders of the loans I have selected for consolidation to determine the eligibility for consolidation and the payoff amounts of the loans to be consolidated and discharged;
- B. The holders of the loans I want to consolidate to release any information required to consolidate my loans, in accordance with the law, to the U.S. Department of Education or its agents and contractors; and
- C. The U.S. Department of Education to pay the full amount I owe to the holders of the loans that I want to consolidate to pay off those loans.

I agree that the U.S. Department of Education and their agents and contractors may contact me regarding my Borrower

Defense application or my loan(s) at any cellular telephone number I provide now or in the future using automated dialing equipment or artificial or prerecorded voice or text messages.

Signature

Date

ED recommends submitting this form online at [StudentAid.gov/borrower-defense](https://studentaid.gov/borrower-defense). If you wish to complete the form manually, please mail the completed form and documentation to:

U.S. Department of Education,
Federal Student Aid Information Center
P.O. Box 1854, Monticello, KY 42633.

If you have questions about your individual submission, please visit [StudentAid.gov/help-center/contact](https://studentaid.gov/help-center/contact) or contact the Borrower Defense Customer Contact Center at 1-855-279-6207 directly.

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 ED 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 loans, and, if it becomes necessary, to locate you and to collect and report on your loans if your loans become delinquent or default. ED also uses 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 loans, to enforce the terms of the loans, 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, ED 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, ED may send it to the appropriate authority for action. ED 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, ED may disclose relevant records to adjudicate or investigate the issues. If provided for by a collective bargaining agreement, ED may disclose records to a labor organization recognized under 5 U.S.C. Chapter 71. Disclosures may be made to ED contractors for the purpose of performing any programmatic function that requires disclosure of records. Before making any such disclosure, ED 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 1845-0163. Public reporting burden for this collection of information is estimated to average 3 hours 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 the Borrower Defense customer Contact Center at 1-855-279-6207 directly. You may also submit and manage your application online at [StudentAid.gov/borrower-defense](https://studentaid.gov/borrower-defense).