



U.S. DEPARTMENT OF EDUCATION BORROWER DEFENSE TO REPAYMENT INDIVIDUAL RECONSIDERATION FORM

OMB Number: 1845-0163
Form Under Review
Expiration Date:
XX/XX/XXXX

INSTRUCTIONS

You can use this form to request reconsideration of a decision by the U.S. Department of Education (“ED”) addressing your Borrower Defense to Repayment (“Borrower Defense”) application. Under the Borrower Defense regulations (34 C.F.R. Section 685.222), if ED notified you of a decision on your claim and you disagree with that decision, you may either submit a new application for Borrower Defense to Repayment or you may request reconsideration of ED’s decision. You may not request reconsideration of a decision made on a group application.

A request for reconsideration must be based on new evidence in support of your claim. **New evidence** is evidence that:

- (1) you have not previously provided, and (2) was not identified in our final decision letter as a basis for the denial or partial approval of your claim.

It is also important to note the difference between evidence and allegations. Evidence is something like a document, business record, or testimony that tends to prove or disprove an alleged fact. An allegation is an assertion that something happened or that an action violated a law or regulation. ED will not consider a request for reconsideration based on new allegations of wrongdoing by the school. If you wish to allege new bases for Borrower Defense, you must submit a new application.

You should provide as much detail as possible about the reason(s) why ED should reconsider the decision on your borrower defense application.

You should include evidence not previously provided to ED, including evidence that falls in the categories listed below, as applicable. (Remember, the new evidence must support the allegation(s) you made in your borrower defense application.) These categories of new evidence include:

- Records not previously provided to ED that confirm the dates of your enrollment, such as enrollment agreements, transcripts, or diplomas;
- If your application was based on an alleged misrepresentation by your school, documents not previously provided that support your allegation that your school lied to you or misled you, including any e-mails or other communication between you and your school, course catalogs, student manuals, or advertisements from your school;
- If your application was based on a favorable judgment against your school, documents not previously provided that support your allegation that a court or administrative agency entered a judgment against your school, including a copy of the judgment (i.e., the court opinion);
- If your application was based on an alleged breach of contract by your school, documents not previously provided that support your allegation that your school breached a contract with you, including a copy of the contract itself;
- If your application was based on an alleged violation of an applicable state law standard, documents not previously provided confirming that state’s law applies to your school’s conduct, including records confirming the location of the school you attended or the location where you lived when you enrolled at the school;
- Any other new documentation that you believe supports your request for reconsideration.

By completing this request for reconsideration, you are certifying, under penalty of perjury, that all the information provided in it 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 I: BORROWER DEFENSE CASE AND RECONSIDERATION SUMMARY

Name *(First, Middle, Last)*

School

Borrower Defense Case Number

Do not omit any of the above information. It is the only reliable way to link this request for reconsideration to your original application.

SECTION II: RECONSIDERATION REQUEST DETAILS

Please provide new evidence supporting your claim that (1) you had not previously provided, and (2) was not identified in your final decision letter as a basis for ED denying your claim.

In the space provided here, please describe and identify the new evidence that you had not previously provided and that you are attaching to this reconsideration request:

Please describe how you believe each piece of evidence you have attached would change ED's decision on your claim.

You must attach any evidence supporting your request for reconsideration.

SECTION III: FORBEARANCE AND STOPPED COLLECTIONS

When we receive your application for reconsideration, 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 Borrower Defense to Repayment is pending with ED. 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 ED 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 ED.

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 you have 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 loans are not already in forbearance or stopped collections, interest will continue to accumulate on all Federal student loans regardless of their status, including subsidized loans, for the first 180 days after you are granted forbearance or stopped collections. If your request is pending for more than 180 days, no further interest will accumulate until you are notified of ED's determination in your case.

If your request for reconsideration 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 the Public Service Loan Forgiveness or Income-Driven Repayment Forgiveness programs.

You can learn more about your loan 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 collection status.

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 the federal student loan(s) that is (are) the subject of your request for reconsideration into forbearance pending review of the request.

If you do not select one of the options set forth above and you are in default on a federal student loan, ED will place into stopped collections status the federal student loan(s) that is (are) the subject of your request for reconsideration pending our review of the request.

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

SECTION IV: CERTIFICATION

By signing this attestation, I certify, under the 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

finances, 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.

I also certify that I received proceeds of a federal student loan, to attend the school/campus identified in Section 1 of the Borrower Defense case noted above.

I understand that if my request 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 or fees 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 reconsideration request 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 of this Borrower Defense reconsideration request to provide ED 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 reconsideration request is a federal non-Direct Loan and my application is approved for a Borrower Defense discharge, I agree that the Department of Education will consolidate those loans into a Federal Direct Consolidation Loan 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 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 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