



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

TO: The Chief Operating Officer
Federal Student Aid

FROM: The Secretary

SUBJECT: Delegation of Authority to Reconsider or Reopen Borrower Defense
Applications under 34 C.F.R. § 685.222(e) or any successor regulations

I. DELEGATION

Under the authority vested in me by section 412 of the Department of Education Organization Act, 20 U.S.C. § 3472, I hereby delegate to you, your successor in function, and anyone serving for you in an acting capacity or delegated the authority to perform the functions and duties of your position as follows:

- A. The authority under 34 C.F.R. § 685.222(e)(5)(i) or any successor regulation to reconsider a borrower defense application at any time when a borrower identifies new evidence that was not considered in making the previous decision.
- B. The authority under 34 C.F.R. § 685.222(e)(5)(ii) or any successor regulation to reopen a borrower defense application at any time to consider evidence that was not considered in making the previous decision.
- C. The authority to reconsider a borrower defense application at any time if a clear error of fact or law is discovered in a previous decision made by any official at the Department.
- D. The authority to reopen a borrower defense application at any time if a clear error of fact or law is discovered in a previous decision made by any official at the Department.
- E. The authority under 34 C.F.R. § 685.222(e)(2) or any successor regulation to carry out the procedures for granting forbearances and for defaulted loans associated with any borrower defense application reconsidered or reopened under the authorities delegated above.
- F. For any borrower defense application reconsidered or reopened under the authorities delegated above, the authority to review any such borrower defense application under the procedures delineated under 34

C.F.R. § 685.222(e)(3) or any successor regulation, including the designation of a Department official to process the reconsidered or reopened borrower application.

Unless otherwise noted in future delegations of authority, amendments to the authorities delegated herein are included in the scope of this delegation.

II. RESERVATIONS

None.

III. REDELEGATION

Subject to applicable provisions of law, you may redelegate any of the authorities delegated to you and may authorize further redelegation. All redelegations must be prepared in accordance with the Administrative Communications Systems directive, ACSD-OFO-015, Delegations of Authority.

IV. CERTIFICATION AND EFFECTIVE DATE

This delegation is effective upon certification by the Department's Principal Delegations Control Officer.

I ratify actions within the scope of this delegation taken by you prior to the date of certification.

_____/s_____
Miguel A. Cardona

OGC Clearance and Date: Michael Taylor; 2/16/2022

Certified date: 2/16/2022

Control #: EA/EN/99

Delegations Control Officer: Jim Clemmens