

ECMC

UNPAID SCHOOL REFUND

NOTICE TO BORROWER

To ensure that Educational Credit Management Corporation (ECMC) receives all of the information necessary to complete its review of your claim, and to ensure that you understand the steps and obligations involved, you MUST do the following:

- Thoroughly read all of the documents and forms in this package.
- Fill out the attached loan discharge application in ink. Answer all questions truthfully and to the best of your knowledge. Note: Complete dates of attendance are required to make a determination.
- Sign the loan discharge application in ink.
- Attach all required documentation.
- Mail the completed form(s) and documentation to the address below.

ECMC will be unable to complete its review of your request without the required documentation.

If you have any questions or need additional information, please contact ECMC at the telephone number or address listed below.

ECMC

**Attention: Post Default Services
P.O. Box 419033
Rancho Cordova, CA 95741-9033
800.367.1590**



LOAN DISCHARGE APPLICATION: UNPAID REFUND

Federal Family Education Loan Program/William D. Ford Federal Direct Loan Program

OMB No. 1845-0058
Form Approved
Exp. Date 04/30/2011

WARNING: Any person who knowingly makes a false statement or misrepresentation on this form or on any accompanying documents will be subject to penalties that may include fines, imprisonment, or both, under the U.S. Criminal Code and 20 U.S.C. 1097.

SECTION 1: BORROWER IDENTIFICATION

Please enter or correct the following information:

SSN [] [] [] - [] [] - [] [] [] []

Name _____

Address _____

City, State, Zip Code _____

Telephone – Home () _____

Telephone – Other () _____

E-mail (optional) _____

SECTION 2: SCHOOL AND LOAN INFORMATION

Before responding, carefully read the entire form, including the instructions, definitions, and terms and conditions in Sections 5, 6 and 7 on this form. If the school that you believe owes you a refund is currently open, you should first contact the school to attempt to resolve this issue before applying for an unpaid refund loan discharge. If you are a student borrower applying for loan discharge, begin with Item 3. If you are a parent borrower applying for a PLUS loan discharge, begin with Item 1.

1. Student Name (Last, First, MI): _____

2. Student SSN: [] [] [] - [] [] - [] [] [] []

3. School Name: _____

4. School Address (street, city, state, zip code): _____

5. Is this school still open? Yes No Don't Know

6. If this school is closed, were you (or, for parent PLUS borrowers, was the student) attending the school when it closed? Yes No

7. Do you have any other pending or approved application(s) for discharge of a loan you obtained to attend this school? Yes No

8. Has this school or any third party (see the definition of "third party" in Section 6 on the following page) made a refund or payment for any loan for which you are requesting a discharge, or is such a refund or payment being considered? Yes No

If your answers to Items 7 and 8 are "No," skip to Section 3. If your answer to Item 7 or 8 is "Yes," provide the information requested in Items 9, 10, and 11 for each discharge, refund or payment, if known. Use a separate sheet of paper if you need to report more than one discharge, refund or payment.

9. Reason for discharge, refund or payment: _____

10. From whom did you request or from whom did you receive the discharge, refund or payment? Include telephone number. _____

11. Amount you received or that you expect to receive: \$ _____

SECTION 3: REFUND INFORMATION

If you have documentation from the school showing the amount of the unpaid refund, attach a copy to this form. If you believe that the amount of the refund shown in the documentation from the school is correct, skip to Section 4. If you don't believe that the amount is correct or if you don't have this documentation, complete Items 12 through 17. If you are unable to provide any of the requested information, write "Don't Know."

12. What amount do you believe the school owes you? \$ _____

13. Why do you believe the school owes you this amount? _____

14. Your (or, for parent PLUS borrowers, the student's) first and last dates of attendance at the school: [] [] - [] [] - [] [] [] [] to [] [] - [] [] - [] [] [] [] OR Never Attended

15. Your (or, for parent PLUS borrowers, the student's) program of study at the school: _____

Items 16 and 17 request information about the amount of the school's charges or the amount of the financial aid you received for the period of enrollment for which the loan was intended. For example, if you received a loan for the spring quarter only and you left school during the spring quarter, provide an amount for that quarter only. However, if you received a loan for the winter and spring quarters, provide the total amount for both quarters. If the unpaid refund is for more than one loan and the loans were for different periods of enrollment, provide the amounts requested in Item 16 or 17 for each period of enrollment separately, using a separate sheet of paper for your additional response(s).

16. If your (or, for parent PLUS borrowers, the student's) last date of attendance was **before October 7, 2000**, enter the amount of the school's charges for the period of enrollment for which the loan was intended. Include tuition, fees, and other school charges. \$ _____

17. If your (or, for parent PLUS borrowers, the student's) last date of attendance was **on or after October 7, 2000**, enter the total amount of federal grants and loans received for any part of the period of enrollment for which the loan was intended. \$ _____

Attach a copy of any documentation that supports your responses to Items 12 through 17. Examples of documentation may include, but are not limited to, the school's catalog, refund policy, tuition bill(s), enrollment contract, student account statement, registration forms, withdrawal form, attendance records, and any correspondence from the school that contains information about the refund you believe the school owes you.

SECTION 4: BORROWER CERTIFICATION

My signature below certifies that –

- I received each loan for which I am requesting a discharge on or after January 1, 1986. I received the loan funds directly, or they were applied as a credit to my (or, for parent PLUS borrowers, the student's) school account to pay the amount owed to the school.
- I (or, for parent PLUS borrowers, the student) did not attend the school or withdrew or was terminated from the school within the time frame that would entitle me to a refund of some or all of my loan funds. Except as explained in Section 2, Items 7 through 11, I have not received this refund, or any benefit of a refund to which I am entitled, from the school or any third party.
- I have read and agree to the terms and conditions for loan discharge, as specified in Section 7 on the following page.
- Under penalty of perjury, all of the information I have provided on this application and in any accompanying documentation is true and accurate to the best of my knowledge and belief.

Borrower's Signature: _____ Today's Date: _____

SECTION 5: INSTRUCTIONS FOR COMPLETING THE FORM

Before you complete this application, you need to know the following:

- If the school is currently open, you should first contact the school and attempt to resolve the unpaid refund issue before applying for this type of discharge.
- If you (or, for parent PLUS borrowers, the student) are currently attending the school, you are not eligible for this type of discharge. You should contact the school about the refund that you believe you are owed.
- If you, (or, for parent PLUS borrowers, the student) were enrolled when the school closed or withdrew from the school within 90 days before the school closed and you (or, for parent PLUS borrowers, the student) did not complete the program of study at another school, you may wish to apply for a closed school loan discharge rather than an unpaid refund discharge. If you are unsure about which type of loan discharge is most appropriate for you, contact your loan holder at the address shown in Section 9.

When completing this form, type or print using dark ink. Enter dates as month-day-year (mm-dd-yyyy). Use only numbers. Example: June 24, 2006 = 06-24-2006. If you need more space to answer any of the Items, continue on separate sheets of paper and attach them to this form. Indicate the number of the Item(s) you are answering and include your name and social security number (SSN) on all attached pages. If a refund is owed for more than one student or from more than one school, use separate forms for each student or school.

Return the completed form and any attachments to the address shown in Section 9.

SECTION 6: DEFINITIONS

- The **Federal Family Education Loan (FFEL) Program** includes Federal Stafford Loans (both subsidized and unsubsidized), Federal Supplemental Loans for Students (SLS), Federal PLUS Loans, and Federal Consolidation Loans.
- The **William D. Ford Federal Direct Loan (Direct Loan) Program** includes Federal Direct Stafford/Ford Loans (Direct Subsidized Loans), Federal Direct Unsubsidized Stafford/Ford Loans (Direct Unsubsidized Loans), Federal Direct PLUS Loans (Direct PLUS Loans), and Federal Direct Consolidation Loans (Direct Consolidation Loans).
- **Loan discharge** due to an unpaid refund cancels your obligation (and any endorser's obligation) to repay the portion of your loan that should have been refunded. Any accrued interest and other charges on the amount of the unpaid refund will also be discharged, and you will be reimbursed for any amount that you have repaid that exceeds the remaining balance of the loan after the discharge. Your loan holder will report the discharge to all credit reporting agencies to which the loan holder previously reported the status of the loan.
- **Program of study** means the instructional program leading to a degree or certificate in which you (or, for parent PLUS borrowers, the student) were enrolled.
- The **student** (as in "or, for parent PLUS borrowers, the student") refers to the student for whom a parent borrower obtained a Federal PLUS Loan or Direct PLUS Loan.
- **Third party** refers to any entity that may provide reimbursement for a refund owed by the school, such as a State or other entity offering a tuition recovery program or a holder of a performance bond.

SECTION 7: TERMS AND CONDITIONS FOR LOAN DISCHARGE BASED ON UNPAID REFUND

- I agree to cooperate with the U.S. Department of Education (the Department) or the Department's designee in any enforcement action related to this application and to provide to the Department or the Department's designee, upon request, other documentation reasonably available to me that demonstrates that I meet the qualifications for an unpaid refund discharge.
- I assign and transfer to the Department any right to recovery on the amount discharged that I may have from the school identified in Section 2 of this form and/or any owners, affiliates or assigns of the school, and from any party that may pay claims for a refund because of the actions of the school, up to the amount discharged by the Department on my loan(s).
- I understand that this request may be denied, or my discharge may be revoked, if I fail to cooperate, provide documentation, or meet any of the other terms of my agreement on this form.
- I understand that if my loan is discharged based on any false, fictitious, or fraudulent statements that I knowingly made on this form or on any accompanying documents, I may be subject to civil and criminal penalties under applicable federal law.

SECTION 8: IMPORTANT NOTICES

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.* and §451 *et seq.* of the Higher Education Act of 1965, as amended (20 U.S.C. 1071 *et seq.* and 20 U.S.C. 1087a *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 1091(a)(4)) and 31 U.S.C. 7701(b). Participating in the Federal Family Education Loan (FFEL) Program or the William D. Ford Federal Direct Loan (Direct 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 FFEL and/or Direct 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) become delinquent or in default. 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 status, 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 Notice. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for this information collection is 1845-0058. The time required to complete this information collection is estimated to average 0.5 hours (30 minutes) per response, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. **If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, DC 20202-4537.

If you have questions regarding the status of your individual submission of this form, contact your loan holder (see Section 9).

SECTION 9: WHERE TO SEND THE COMPLETED LOAN DISCHARGE APPLICATION

Send the completed loan discharge application and any attachments to:
(If no address is shown, return to your loan holder.)

If you need help completing this form, call: