



# UNITED STATES DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

### FOIA Service Center

December 8, 2023

Abigail Alannah Moats  
Intake & Digital Advocacy Manager  
National Student Legal Defense Network  
1460 Fuller St. NW  
Washington, DC 20009

RE: FOIA Request No. 22-00285-F

Dear Abigail Alannah Moats:

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated October 13, 2021, and received in this office on October 13, 2021. Your request was forwarded to the Office of Federal Student Aid (FSA) to search for documents that may be responsive to your request.

You requested the following:

- Records, including any applicable data or charts, sufficient to show the number of borrower defense claims that have been filed from January 1, 2015, to the date of this request, broken down by year, institution, and campus or location.
- All monthly or quarterly reports with data on borrower defense claims filed with the Department.

FSA assigned this request to the Office of Strategy, Innovation, and Transformation (SIT) and the Office of Student Experience and Aid Delivery (SEAD) for search and review. SEAD deferred this request to SIT for search and review. SIT tracked this request as DRT 4326.

**Element #1** - SIT (DRT 4326) provided (34) pages for the number of claims by institution. **Date range of record search is: From 01/01/2015 To 10/14/2021.** This includes all data segregated by year. Please note that very few applications were submitted prior to January 2015.

#### **Data Definitions**

**Pending Applications:** Total count of applications under review prior to a determination and for which a determination has been made, but the borrower notification has not been sent.

**Denied/Ineligible Applications:** Total count of applications denied for discharge in which the borrower notification has been sent.

Closed Applications: Total count of applications closed with no need for adjudication. (e.g., borrower requests that ED stop processing application or the borrower receives another benefit such as loan forgiveness or discharge.

**Element #2** – SIT advises that the requested monthly/quarterly reports are posted to the FSA Data Center as they are completed. The reports through January 2023 are currently available at the following link [Borrower Defense to Repayment Data | Federal Student Aid](#).

Available for Public Access Link (PAL) download are 34 pages of documents responsive to your request. The documents are as follows:

- FSA Docs - 22-00285-F

You can access your PAL account at this link: <https://foiaexpress.pal.ed.gov/app/PalLogin.aspx>

Provisions of the FOIA allow us to recover the costs pertaining to your request. The Department has concluded that you fall within the category of Other. However, the Department has provided you with this information at no charge, as you were granted a fee waiver. The Department's release of this information at no cost does not constitute the grant of a fee waiver and does not infer or imply that you will be granted a fee waiver for future requests made under FOIA to the Department. Because we were able to locate and process these documents at minimal costs, they are provided to you at no cost.

You have the right to seek further assistance from the Department's FOIA Public Liaison, Robert Wehausen. The Department's FOIA Public Liaison can be reached by email at [robert.wehausen@ed.gov](mailto:robert.wehausen@ed.gov); by phone at 202-205-0733; by fax at 202-401-0920; or by mail at Office of the Secretary, U.S. Department of Education, 400 Maryland Ave., SW, 7C132, Washington, DC 20202-4500, Attn: FOIA Public Liaison.

If you have any questions, please contact the FSC at (202) 401-8365 or [EDFOIAMANAGER@ed.gov](mailto:EDFOIAMANAGER@ed.gov).

Sincerely,

*Tiffany Tucker*

Tiffany Tucker  
Government Information Specialist  
Office of the Secretary