



The claimant is employed as a Wildlife Biologist in the [agency component], U.S. Forest Service, U.S. Department of Agriculture, in [city & State]. In his November 30, 2008, letter to the Government Accountability Office, the claimant requests a waiver “of interest and associated costs” for the failure of his agency to withhold Federal Employee Health Benefits premiums from October 2005 until on or around October 24, 2007.

The U.S. Office of Personnel Management (OPM) received the claimant’s waiver request as an enclosure to a February 11, 2008, U.S. Government Accountability Office (GAO) letter to the claimant advising him: “OMB has delegated settlement of claims for federal employees’ compensation to the Office of Personnel Management....I am forwarding your letter to that office.” For the reasons discussed herein, GAO erred in forwarding this matter to OPM in that OPM does not have jurisdiction to consider this request.

As a result of legislative and executive action, the authority to waive overpayments of pay and allowances now resides with the heads of agencies, regardless of the amount. See the General Accounting Office Act of 1996, Pub. L. No. 104-316, 110 Stat. 3826, approved October 19, 1996; and the Office of Management and Budget (OMB) Determination Order dated December 17, 1996. Neither Pub. L. No 104-316 nor OMB's Determination Order of December 17, 1996, authorizes OPM to make or to review waiver determinations involving erroneous payments of pay or allowances. Therefore, OPM does not have jurisdiction to consider, or issue a decision on, the request for a waiver of a claimant's indebtedness to the United States, because the authority to waive the claimant’s indebtedness is vested in his employing agency, the U.S. Department of Agriculture.

This settlement is final. No further administrative review is available within OPM. Nothing in this settlement limits the claimant’s right to bring an action in an appropriate United States court.