

**Leave Claim Decision**  
**Under section 3702 of title 31, United States Code**

**Claimant:** [name]

**Organization:** [regional office]  
Bureau of Reclamation  
U.S. Department of the Interior  
[city & State]

**Claim:** Request for Waiver for  
Salary Overpayment

**Agency decision:** Denied

**OPM decision:** Denied; Lack of Jurisdiction

**OPM contact:** Robert D. Hendler

**OPM file number:** 06-0028

/s/ for

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Robert D. Hendler  
Classification and Pay Claims  
Program Manager  
Center for Merit System Accountability  
Human Capital Leadership  
and Merit System Accountability

7/19/2006

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Date

The claimant seeks to appeal the Department of the Interior's (DOI) decision to deny a waiver of collection for a salary overpayment of \$24, 957.41, or a portion thereof, covering a two-year period between 2002 and 2004. He is currently employed in a [position] with the [regional office], Bureau of Reclamation, DOI, in [city & State]. The Office of Personnel Management (OPM) received his claim request on March 21, 2006, and the agency administrative report (AAR) on April 17, 2006. For the reasons discussed herein, the claim is denied for lack of jurisdiction.

The claimant disagrees with the February 27, 2006, decision of DOI's Office of Hearings and Appeals (OHA) (Docket N. D 2005-27) to deny his waiver request. He states the decision overruled the recommendation of DOI's National Business Center, Payroll Operation Division's (POD) to waive collection based on its analysis of the record. POD forwarded the claim to OHA since OHA exercises the Secretary of the Interior's delegated authority to waive collection of erroneous payments over \$1,500 from employees of DOI and its constituent bureaus.

OPM's authority to adjudicate compensation and leave claims flows from 31 U.S.C. §3702. The authority in §3702 is narrow and limited to adjudication of compensation and leave claims. In the instant case, the claimant does not assert his agency erred in determining he received a salary overpayment and, as a result, is indebted to the United States. Therefore, the claimant has not presented an issue to us that is subject to review under 31 U.S.C. §3702.

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. Accordingly, OPM does not have jurisdiction to consider, or issue a decision on, the appeal of the employing agency's refusal to waive the claimant's indebtedness to the United States. Therefore, the claimant's request is denied.

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