

§ 1209.13

asks the agency head to review a rejection of his or her application for transfer, the agency head must complete the review and provide a written statement of findings to the employee and the Clerk of the Board within 30 days after receiving the request.

Subpart E—Referrals to the Special Counsel

§ 1209.13 Referral of findings to the Special Counsel.

When the Board determines in a proceeding under this part that there is reason to believe that a current Federal employee may have committed a prohibited personnel practice described at 5 U.S.C. 2302(b)(8), the Board will refer the matter to the Special Counsel to investigate and take appropriate action under 5 U.S.C. 1215.

[62 FR 17048, Apr. 9, 1997]

PART 1210—DEBT MANAGEMENT

Subpart A—Salary Offset

- Sec.
- 1210.1 Purpose and scope.
 - 1210.2 Definitions.
 - 1210.3 Applicability.
 - 1210.4 Notice requirements.
 - 1210.5 Hearing.
 - 1210.6 Written decision.
 - 1210.7 Coordinating offset with another Federal agency.
 - 1210.8 Procedures for salary offset.
 - 1210.9 Refunds.
 - 1210.10 Statute of limitations.
 - 1210.11 Nonwaiver of rights.
 - 1210.12 Interest, penalties, and administrative costs.

Subpart B—Claims Collection

- 1210.21 Purpose and scope.
- 1210.22 Definitions.
- 1210.23 Other remedies.
- 1210.24 Claims involving criminal activity or misconduct.
- 1210.25 Collection.
- 1210.26 Notices to debtor.
- 1210.27 Interest, penalties, and administrative costs.
- 1210.28 Administrative offset.
- 1210.29 Use of credit reporting agencies.
- 1210.30 Collection services.
- 1210.31 Referral to the Department of Justice or the General Accounting Office.
- 1210.32 Compromise, suspension and termination.
- 1210.33 Omissions not a defense.

5 CFR Ch. II (1–1–03 Edition)

SOURCE: 54 FR 50603, Dec. 8, 1989, unless otherwise noted.

Subpart A—Salary Offset

AUTHORITY: 5 U.S.C. 5514, Executive Order 11809 (redesignated Executive Order 12107), and 5 CFR 550 subpart K.

§ 1210.1 Purpose and scope.

(a) This regulation provides procedures for the collection by administrative offset of a Federal employee's salary without his/her consent to satisfy certain debts owed to the Federal Government. These regulations apply to all Federal employees who owe debts to the MSPB and to current employees of the MSPB who owe debts to other Federal agencies. This regulation does not apply when the employee consents to recovery from his/her current pay account.

(b) This regulation does not apply to debts or claims arising under:

(1) The Internal Revenue Code of 1954, as amended, 26 U.S.C. 1 *et seq.*;

(2) The Social Security Act, 42 U.S.C. 301 *et seq.*;

(3) The tariff laws of the United States; or

(4) Any case where a collection of a debt by salary offset is explicitly provided for or prohibited by another statute.

(c) This regulation does not apply to any adjustment to pay arising out of an employee's selection of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay if the amount to be recovered was accumulated over four pay periods or less.

(d) This regulation does not preclude the compromise, suspension, or termination of collection action where appropriate under the standards implementing the Federal Claims Collection Act, 31 U.S.C. 3711 *et seq.* 4 CFR parts 101 through 105; 5 CFR part 1210.

(e) This regulation does not preclude an employee from requesting waiver of an overpayment under 5 U.S.C. 5584, 10 U.S.C. 2774 or 32 U.S.C. 716 or in any way questioning the amount of validity of the debt by submitting a subsequent claim to the General Accounting Office. This regulation does not preclude an employee from requesting a waiver