



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Richard F. Lipke--Waiver--Actual Notice of  
Erroneous Payments

File: B-231084

Date: May 19, 1988

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### DIGEST

Waiver under 5 U.S.C. § 5584 is not appropriate to the extent that an employee continues to accept erroneous payments after receiving actual notice of the error.

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### DECISION

Mr. Richard F. Lipke, a Department of the Air Force employee, appeals our Claims Group's partial denial of his request under 5 U.S.C. § 5584 for waiver of \$1,608 in erroneous salary overpayments he received during the period April 1, 1984, through June 21, 1986. The Claims Group granted waiver of \$1,468, but denied waiver of the remaining \$140 because Mr. Lipke accepted this amount after April 28, 1986, the date on which he received actual notice of the error. The Claims Group's action is sustained.

The Claims Group correctly applied our established rule that waiver is not appropriate for erroneous payments accepted by an employee after the employee has received actual notice of the error. Such an employee cannot assume that the error has been corrected. See, e.g., Kathleen M. Legault, B-214740, Oct. 2, 1984. The Air Force did not correct the overpayments to Mr. Lipke until the pay period after June 21, 1986. There is no indication in the record that it informed him at any earlier time that the erroneous payments had ceased. On the contrary, while Mr. Lipke's paychecks fluctuated between April 28 and June 21, 1986, there was no change in the salary rate shown on his leave and earnings statements over this period.

Acting Comptroller General  
of the United States

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