

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES

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WASHINGTON, D.C. 20548

B-184624, 8/5/76 distinguished by

B-186562, 3/11/77

FILE: B-184624

DATE: AUG 5 1976

MATTER OF:

-- Request for waiver of
erroneous overpayment of pay

DIGEST:

Where civilian employee has long practical experience in Government and is working in civilian personnel office when erroneously advanced from step 4 to step 5 after only 52 weeks instead of 104 weeks, then knowledge of error must be imputed to employee and request for waiver denied. B-168823, February 17, 1970.

This decision is in response to a request from the Office of the Administrative Assistant of the Department of the Army that we review the decision of our Transportation and Claims (now Claims) Division, DW-Z-2517914-MTB-3, September 13, 1974, which denied the request for waiver of an overpayment of pay in the amount of \$608.52 to , a former employee of the Office, Secretary of the Army, Office of the Personnel Manager, Washington, D.C.

was reassigned from the Office, Secretary of the Army, to the U.S. Army Vietnam, Office of the Civilian Personnel Director, U.S. Citizen Civilian Personnel Office, as a supervisory position classification specialist effective July 30, 1971. received a within-grade increase from GS-12, step 4, to GS-12, step 5, effective October 3, 1971. This increase was erroneous since had received her increase to GS-12, step 4, on October 4, 1970, and there is a requirement that general schedule employees serve 104 weeks at step 4 before they are eligible for an increase to step 5. received notification in October 1972 of a within-grade increase to step 6 and at that time reported that an error had occurred. states that when she received notice of a freeze in step increases in August 1971 she was also told that the freeze would delay her October 1971 increase. She states that she asked that her file be checked to verify if she was eligible for a step increase as she was unsure and that a local-hire Vietnamese clerk and an American employee both checked her records and assured her that she was due an increase. As a result of the erroneous increase was overpaid in the gross amount of \$608.52.

The initial request for waiver was forwarded to our Transportation and Claims Division by the U.S. Army Finance Support Agency for determination. The forwarding letter stated that there was no indication of fraud, misrepresentation, or lack of good faith on the part

of the employee or any other person having an interest in the claim. However, they did find some fault with in view of her grade and position. The letter stated that because of her background she should have been aware of the due date of her step increase and even though she requested verification of her file she should have pursued the matter. Based on the above, it was recommended that waiver be denied. Our Transportation and Claims Division denied the request for waiver based on the above information and recommendation.

, at the time the error occurred, had served as an employee of the Federal Government for over 18 years. She was also employed as a supervisory position classification specialist in her own civilian personnel office. It is our feeling that with this background of experience either knew or should have known that her pay was erroneously increased. Based upon this imputed knowledge, we have previously held that a request for a waiver of erroneous payment of pay must be denied. See B-168823, February 17, 1970.

Accordingly, the decision of our Claims Division of September 13, 1974, is affirmed and waiver is denied.

R.F. KELLER
[Deputy] Comptroller General
of the United States