



United States  
General Accounting Office  
Washington, D.C. 20548

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Office of the General Counsel

B-249649

January 22, 1993

Dear Mr. :

This responds to your June 18, 1992 appeal of our Claims Group's settlement Z-2915943, February 28, 1992, which sustained the Navy's denial of your request for waiver of \$256.75 of stated overpayments due to underdeduction of premiums for health insurance.

Your appeal of June 18 presents nothing that was not considered in the Claims Group's settlement, and upon review of the record, we find no error of law in that settlement. Accordingly, it is affirmed.

The record indicates that, although at the time you were employed by the Navy you were not told the exact amount your health insurance premium would be, you were advised of the amount of the premium for a full-time employee and you were advised that since you were a part-time employee, your premium would be higher than that of a full-time employee.<sup>1</sup> You were also provided leave and earnings statements that showed the deductions from your pay for health insurance were only in the same amount as for a full-time employee. Thus, you should have been aware you were receiving more pay than you were entitled to and you should have inquired about why your premiums were not higher than those for a full-time employee. As the Claims Group stated, your failure to do so precludes waiver of your debt.

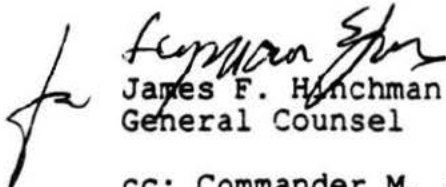
Our review of the record, however, did indicate that the statement of the amount of your debt may not have been correct, and the Defense Finance and Accounting Service has informally advised us recently that they are performing a reaudit of your debt which could result in its reduction. We understand that, if it has not already done so, the

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<sup>1</sup>This is because although the part-time employee receives full coverage, the government contributes only a prorated amount to the payment of the premiums.

Service will soon inform you as to the results of the reaudit, and that any amount over-collected from you will be refunded. However, the amount that you were overpaid, as determined by the reaudit, is not appropriate for waiver.

Sincerely yours,

  
James F. Hanchman  
General Counsel

cc: Commander M. J. Sakraida, USNR  
Commanding Officer, Naval Reserve Financial  
Information Processing Center  
New Orleans, Louisiana 70146-5300

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DIGEST

A new, part-time employee was informed that the government prorated its contribution to his health benefits premium based on his work schedule so that he would have to pay a larger premium than a full-time employee. Although he was not informed what his health benefit premium would be, he was informed what a full-time employee's premium would be, and his leave and earnings statements showed that his premium was only that of a full-time employee rather than the higher premium of a part-time employee. Since he had records which, if reviewed, would have indicated an overpayment, he is not without fault, and waiver under 5 U.S.C. § 5584 is denied.