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

815111

Office of the General Counsel

B-253969

November 1, 1993

Ms.

Dear Ms.

This responds to your June 25, 1993 appeal, supplemented with a letter dated July 16, 1993, of our Claims Group's settlement Z-2918235, May 21, 1993, which denied your request for waiver of salary overpayments you received for the period of June 23, 1991, through January 4, 1992.

We find no error of law or fact in the Claims Group's settlement denying your request for waiver. Your pay records show that since February 1991 you were paid a net amount after deductions for taxes, insurance, etc., of $646.82 per pay period until June 24, 1991, when you changed positions. Thereafter, due to agency error your gross pay per pay period was increased by $87.20. As a result, your net pay increased to $693.90 per pay period for the rest of the year - a net pay increase of $47.08 per pay period.

While you indicate that you received leave and earnings statements irregularly, a review of any of those statements received for pay periods during the 6 months the overpayments were made would have revealed the facts that you had received substantial unexplained increases in your gross and net pay. Also, even if you did not receive full documentation related to your change of positions and received leave and earnings statements irregularly, you had no reason to expect a substantial increase in your net pay while retaining the same pay level as your old position. Although the overpayments were initiated by an administrative error, employees are expected to be aware of the amounts of payments they are receiving and question any significant unexplained fluxuation. If you had brought the unexpected increase in your pay to the attention of appropriate officials, the error could have been promptly corrected. Failure to note a significant unexplained increase in salary and promptly question appropriate officials about the amount renders the employee partially at fault, precluding waiver. See Standards for Waiver, 4 C.F.R. § 91.5 (1993),

implementing 5 U.S.C. § 5584(b)(1), and B-226465, Mar. 23, 1988, copies enclosed. Accordingly, we affirm the denial of your request for waiver.

Sincerely yours,

for Seymour Efros

James F. Hinchman
General Counsel

Enclosures