

[New Article 30](#)

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## Overpayments to Employees

### 14.1 Claim Waiver

The NRC will consider all applications to waive a claim arising out of an erroneous payment of pay or allowances, other than travel and transportation expenses and allowances and relocation expenses payable under Section 5724a of Title 5, U.S.C., on a case-by-case basis. The application must be received by the NRC within three years immediately following the date on which the erroneous payment was discovered. The NRC will decide each application in accordance with applicable law and Government-wide regulations.

### 14.2 Waiver Criteria

Claims may be waived in whole or in part if collection action under the claim would be against equity and good conscience and not in the best interests of the United States. Generally these criteria will be met by a finding that the erroneous payment of pay or allowances occurred through administrative error and that there is no indication of fraud, misrepresentation, fault or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver of the claim. Any significant unexplained increase in pay or allowances which would require a reasonable person to make inquiry concerning the correctness of his/her pay or allowances, ordinarily would preclude a waiver when the employee fails to bring the matter to the attention of appropriate officials. Waiver of overpayments of pay and allowances under this standard necessarily must depend upon the facts existing in the particular case.

### 14.3 Collection

When an employee has been determined to be indebted to the United States because of an erroneous payment which is not waived, the amount of the indebtedness may be collected in monthly installments, or at officially established regular pay period intervals, by deduction in reasonable amounts from the current pay account of the employee. The deductions may be made only from basic pay, special pay, incentive pay, retired pay, or in the case of an employee not entitled to basic pay, other authorized pay. Collection shall be made over a period not greater than the anticipated period of employment. If the circumstances warrant, consideration will be given to permitting the employee to pay the debt over the same number of pay periods as were involved in the erroneous overpayment. The amount deducted for any period may not exceed two-thirds of the pay from which the deduction is made, unless the deduction of a greater amount is necessary to make the collection within the period of anticipated employment. If the employee retires or resigns, or if his/her employment otherwise ends before collection of the amount of the indebtedness is completed, deduction shall be made from later payments of any nature due the individual from the NRC.

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