

General Accounting Office

§ 92.5

(b) After the agency or department has taken the actions required by §§ 92.3 and 92.4, the employee, member, or other person from whom collection is sought may request the agency or department to submit the matter to the General Accounting Office.

(c) The agency or department shall submit all waiver applications aggregating more than \$1500 for which the agency recommends approval and all appeals, regardless of the amount, for consideration by the General Accounting Office to: Director, Claims Group, General Government Division, U.S. General Accounting Office, Washington, DC 20548.

(d) The submission shall include all of the information required by §§ 92.3 and 92.4, and any written comments on the matter submitted by the employee, member, or other person from whom collection is sought.

[56 FR 49584, Sept. 30, 1991, as amended at 56 FR 67467, Dec. 31, 1991]

§ 92.3 Report of the agency or department.

(a) Except as provided in paragraph (b) of this section, upon initiation of an application for waiver, the agency or department shall prepare a written report containing a chronological summary of the facts and circumstances including:

(1) The names and mailing addresses of each employee, member, or other person from whom collection is sought, or a statement that the person cannot reasonably be located;

(2) The aggregate amount of the claim;

(3) The date the erroneous payment was discovered;

(4) The date the employee, member, or other person from whom collection is sought was notified of the error and a statement of the erroneous amounts paid before and after receipt of such notice;

(5) A statement as to the circumstances under which the erroneous payment was made, the applicant's knowledge of the erroneous payment and the steps the applicant took, if any, to bring the matter to the attention of the appropriate official and the agency's response;

(6) A determination as to whether there is any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee, member, or other interested person and the factual basis for such a determination;

(7) A statement as to whether or not the erroneous payment is the subject of an exception made by the Comptroller General of the United States;

(8) Legible copies or the originals of supporting documents such as leave and earnings statements, travel authorizations and vouchers, and military orders;

(9) Statements of the employee, member, or other interested person;

(10) A statement as to the reason the agency or department believes the erroneous payment occurred and the corrective action taken to prevent the occurrence of similar erroneous payments.

(b) No written report is required where the amount involved is \$100 or less and there is no indication of fraud, misrepresentation, fault, or lack of good faith.

§ 92.4 Action by the agency or department.

Upon completion of the report, the agency or department,

(a) Shall grant or deny waiver if authorized by § 91.4 (b) or (c) of this subchapter, or refer the matter to the General Accounting Office in accordance with § 92.2(c), and;

(b) Shall provide the applicant written notice as to whether the application for waiver has been granted, denied, or referred to the General Accounting Office, provided the person can reasonably be located. When waiver is denied, the notice shall state the basis for that decision and that, upon request, the agency or department will forward an appeal to the General Accounting Office pursuant to § 92.2.

§ 92.5 Initial action by the General Accounting Office and appeals to the Comptroller General.

(a) The Claims Group will issue a letter to the agency or department granting or denying waiver in whole or in part. In every case where waiver is denied in whole or in part, the Claims