

later than 15 days after the receipt of the notification of indebtedness. A timely filing of a petition for hearing will stay any further commencement of collection proceedings. A final decision on the hearing will be issued at the earliest practicable date, but not later than 60 days after the filing of petition, unless the individual requests and the hearing official grants a delay in the proceedings.

(ii) The petition or statement must be signed by the staff member and must fully identify and explain with reasonable specificity all the facts, evidence, and witnesses, if any, which he or she believes supports his or her position.

(iii) Petitions for hearings made later than 15 days after the receipt of the notification of indebtedness will be accepted provided the staff member can show that the delay was because of circumstances beyond his or her control or because of failure to receive notice of the time limit (unless otherwise aware of it).

(4) *Form of hearings and final decisions.* (i) The staff member shall be provided an appropriate hearing as decided by the hearing official, based on the nature of the transactions giving rise to the debt. The hearing official shall be guided by the procedures set out in 4 CFR 102.3(c) in deciding on the type of hearing to provide.

(ii) A written decision will be provided to the staff member and must, at a minimum, state the fact(s) purported to support the nature and origin of the alleged debt; the hearing official's analysis, findings, and conclusions, in light of the hearing, as to the staff member's or the Library's grounds; the amount and validity of the alleged debt; and, where applicable, the repayment schedule.

(d) *Creditor agency is not the Library of Congress.* When the Library receives from a creditor agency a debt claim properly certified in accordance with 5 CFR 550.1108(a), deductions shall be scheduled to begin at the next officially established pay interval. The Director, Human Resources, shall provide the employee with written notice stating that the Library has received a certified debt claim from the creditor agency (including the amount) and written notice of the date deductions from salary will commence and of the amount of such deductions. When the Library receives an incomplete debt claim from a creditor agency, the Director, Human Resources, shall return the debt claim with a written notice that procedures under 5 U.S.C. 5514 must be followed and a properly determined debt claim received before action will be taken to collect from the employee's pay account.

(e) *Exclusions and exceptions.* (1) This part does not apply to debts where collection of the debt is explicitly provided for or prohibited by another statute, or to debts of \$1 or less, which, it is hereby determined, is not cost effective to attempt to collect (65 Comp. Gen. 843, September 29, 1986).

(2) An exception to the entitlement of notice, hearings, written responses, and final decisions provided for under paragraph (c) of this section is made for overpayments arising out of an employee's election of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less.

[59 FR 38367, July 28, 1994]

PARTS 706-799 [RESERVED]