

§ 284.4

against an individual for a debt resulting from erroneous payments of pay or allowances (including travel and transportation allowances) under 10 U.S.C. 2774, 32 U.S.C. 716, and 5 U.S.C. 5584.

§ 284.4 Policy.

It is DoD policy under 32 CFR part 283 that waiver applications for debts resulting from erroneous payments of pay and allowances (hereafter referred to as “waiver applications”) be processed according to all pertinent statutes, regulations, and other relevant authorities.

§ 284.5 Responsibilities.

(a) The *General Counsel of the Department of Defense* (GC, DoD) or designee shall consult on, or render opinions concerning, questions of law or equity that arise in the course of the performance of the Director, Defense Office of Hearings and Appeals’ (DOHA) responsibilities under paragraph (b) of this section when requested by the Director.

(b) The *Director, Defense Office of Hearings and Appeals* or designee, under the GC, DoD (as the Director, Defense Legal Services Agency), shall:

(1) Deny or grant all or part of a waiver application, if the aggregate amount of the debt is more than \$1,500.

(2) Consider an appeal of an initial determination and affirm, modify, reverse, or remand the initial determination, according to this part and relevant GC, DoD opinions.

(3) Process waiver applications and appeals according to this part.

(c) The Heads of the DoD Components or designee shall process waiver applications according to this part.

(d) The *Heads of the Non-DoD Components* or designee concerning debts of Uniformed Services personnel resulting from the Component’s activity; the *Director, Department of Defense Education Activity* (DoDEA) or designee, concerning debts of civilian employees resulting from that Component’s activity; the *Director, National Security Agency* (NSA) or designee, concerning debts resulting from that Component’s activity; and the *Director, Defense Finance and Accounting Service* (DFAS) or designee, under the Under Secretary of Defense (Comptroller)/Chief Financial

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Officer (USD(C)/CFO), concerning debts resulting from all other DoD Components’ activities shall:

(1) Deny or grant all or part of a waiver application, if the aggregate amount of the debt is \$1,500 or less.

(2) If the aggregate amount of the debt is more than \$1,500:

(i) Deny a waiver application in its entirety, or

(ii) Refer a waiver application for consideration with a recommendation that part or all of the application be granted, according to this part.

(3) Process waiver applications, when the aggregate amount of the debt is more than \$1,500, and appeals according to this part.

(4) Resolve a debt according to the final action that results from the waiver application process provided for in this part.

APPENDIX A TO PART 284—OVERVIEW OF WAIVER APPLICATION PROCESS

A. STANDARDS FOR WAIVER DETERMINATIONS

The standards that must be applied in determining whether all or part of a waiver application should be granted or denied are at Appendix B to this part.

B. SUBMITTING A WAIVER APPLICATION

The DoD Components shall ensure, if applicable, the submission and filing of waiver applications/appeals satisfy the requirements of 5 U.S.C. 552a. The procedures an applicant must follow to submit a waiver application are at Appendix C to this part.

C. PROCESSING A WAIVER APPLICATION WHEN THE DEBT IS \$1,500 OR LESS

The procedures a DoD Component must follow in processing a waiver application when the debt is \$1,500 or less are at Appendix D to this part.¹

D. PROCESSING A WAIVER APPLICATION WHEN THE DEBT IS MORE THAN \$1,500

The procedures a DoD Component must follow in processing a waiver application when the debt is more than \$1,500 are at Appendix E to this part.

E. APPEALS

The DoD Components shall ensure, if applicable, the submission and filing of waiver applications/appeals satisfy the requirements

¹Contact the appropriate non-DoD Component for the procedures it follows in processing a waiver application.