§ 512.21
made of the delivery, or shall be mailed
certified mail with return receipt re-
quested.

(c) No notification hearing, written
responses or final decisions under this
regulation are required of Broadcasting
Board of Governors for any adjustment
to pay arising from an employee’s elec-
tion of coverage under a Federal ben-
efit program requiring periodic deduc-
tions from pay, if the amount to be re-
covered was accumulated over four pay
periods or less.

§ 512.21 Hearing.

(a) Petition for hearing. (1) A hearing
may be requested by filing a written
petition with the Director, Financial
Operations Division of Broadcasting
Board of Governors, or such other offi-
cial as may be named in the future by
the Director of Broadcasting Board of
Governors, stating why the employee
believes the Board’s determination of
the existence or amount of the debt is
in error.

(2) The petition must be signed by
the employee and fully identify and ex-
plain with reasonable specificity all
the facts, evidence and witnesses which
the employee believes support his or
her position.

(3) The petition must be filed no later
than fifteen (15) calendar days from the
date the notification under § 512.20(b)
was hand delivered or the date of deliv-
ery by certified mail.

(4) Where petition is received after
the 15 calendar day limit, Broadcasting
Board of Governors will accept the pe-
tition if the employee can show that
the delay was beyond his or her control
or because of failure to receive notice.

(5) If the petition is not filed within
the time limit, and is not accepted pur-
suant to paragraph (a)(4) of this sec-
tion, the employee’s right to hearing
will be considered waived, and salary
offset will be implemented.

(b) Type of hearing. (1) The form and
content of the hearing will be deter-
mimed by the hearing official who shall
be a person outside the control or au-
thority of Broadcasting Board of Gov-
ernors.

(2) The employee may represent him
or herself, or may be represented by
counsel.

(3) The hearing official shall main-
tain a summary record of the hearing.

(4) The hearing official will prepare a
written decision which will state:

(i) The facts purported to evidence
nature and origin of the alleged debt;

(ii) The hearing official’s analysis,
findings, and conclusions relative to:

(A) The employee’s and/or the
Board’s grounds;

(B) The amount and the validity of
the alleged debt;

(C) The repayment schedule, if appli-
cable.

(5) The decision of the hearing offi-
cial shall constitute the final adminis-
trative decision of the Board.

§ 512.22 Deduction from pay.

(a) Deduction by salary offset, from
an employee’s disposable current pay,
shall be subject to the following cir-
cumstances:

(1) When funds are available, the
Board will collect debts owed the
United States in full in one lump-sum.
If funds are not available or the debt
exceeds 15% of disposable pay for an of-
officially established pay interval, col-
lection will normally be made in in-
stallments.

(2) The installments shall not exceed
15% of the disposable pay from which
the deduction is made, unless the em-
ployee has agreed in writing to a larger
amount.

(3) Deduction will commence with
the next full pay interval following no-
notice that deductions will commence.

(4) Installment deductions will not be
made over a period greater than the
anticipated period of employment.

[52 FR 43897, Nov. 17, 1987, as amended at 55
FR 3051, Jan. 30, 1990]

§ 512.23 Liquidation from final check
or recovery from other payment.

(a) If an employee retires or resigns
before collection of the debt is com-
pleted, offset of the entire remaining
balance may be made from a final pay-
ment of any nature to such extent as is
necessary to liquidate the debt.

(b) Where debt cannot be liquidated
by offset from final payment, offset
may be made from later payments of
any kind due from the United States
inclusive of Civil Service Retirement
and Disability Fund pursuant to 5