

§ 1210.20

§ 1210.20 Effective date of a decision issued by an administrative judge; continuing jurisdiction over certain ancillary matters.

(a) A decision by an administrative judge under this part will be effective upon issuance.

(b) Pursuant to 38 U.S.C. 713(e)(2), a decision by the administrative judge is not subject to further appeal.

(c) A decision by the administrative judge is nonprecedential. Such a decision may be cited as persuasive authority only in an appeal filed pursuant to 38 U.S.C. 713(e)(2). Such a decision may not be cited in any appeal not filed pursuant to 38 U.S.C. 713(e)(2).

(d) Following issuance of a decision by the administrative judge under this part, the MSPB retains jurisdiction over the appeal covered by this part for purposes of the following ancillary matters:

(1) *Enforcement of decisions and orders.* The procedures set forth in subpart F of 5 CFR part 1201 are applicable to petitions for enforcement filed after the administrative judge issues a decision in an appeal filed under this part; and,

(2) *Attorney fees, witness fees, litigation expenses, and damages.* The procedures set forth in subpart H of 5 CFR part 1201 (attorney fees, costs, expert witness fees, and litigation expenses, where applicable, and damages) are applicable to requests for fees and damages filed after the administrative judge issues a decision in an appeal filed under this part. (5 U.S.C. 7701(g)).

PARTS 1211–1214 [RESERVED]

PART 1215—DEBT MANAGEMENT

Subpart A—Salary Offset

Sec.

- 1215.1 Purpose and scope.
- 1215.2 Definitions.
- 1215.3 Applicability.
- 1215.4 Notice requirements.
- 1215.5 Hearing.
- 1215.6 Written decision.
- 1215.7 Coordinating offset with another Federal agency.
- 1215.8 Procedures for salary offset.
- 1215.9 Refunds.
- 1215.10 Statute of limitations.
- 1215.11 Nonwaiver of rights.
- 1215.12 Interest, penalties, and administrative costs.

5 CFR Ch. II (1–1–15 Edition)

Subpart B—Claims Collection

- 1215.21 Purpose and scope.
- 1215.22 Definitions.
- 1215.23 Other remedies.
- 1215.24 Claims involving criminal activity or misconduct.
- 1215.25 Collection.
- 1215.26 Notices to debtor.
- 1215.27 Interest, penalties, and administrative costs.
- 1215.28 Administrative offset.
- 1215.29 Use of credit reporting agencies.
- 1215.30 Collection services.
- 1215.31 Referral to the Department of Justice or the General Accounting Office.
- 1215.32 Compromise, suspension and termination.
- 1215.33 Omissions not a defense.

SOURCE: 54 FR 50603, Dec. 8, 1989, unless otherwise noted. Redesignated at 72 FR 56885, Oct. 5, 2007.

Subpart A—Salary Offset

AUTHORITY: 5 U.S.C. 5514, Executive Order 11809 (redesignated Executive Order 12107), and 5 CFR 550 subpart K.

§ 1215.1 Purpose and scope.

(a) This regulation provides procedures for the collection by administrative offset of a Federal employee's salary without his/her consent to satisfy certain debts owed to the Federal Government. These regulations apply to all Federal employees who owe debts to the MSPB and to current employees of the MSPB who owe debts to other Federal agencies. This regulation does not apply when the employee consents to recovery from his/her current pay account.

(b) This regulation does not apply to debts or claims arising under:

(1) The Internal Revenue Code of 1954, as amended, 26 U.S.C. 1 *et seq.*;

(2) The Social Security Act, 42 U.S.C. 301 *et seq.*;

(3) The tariff laws of the United States; or

(4) Any case where a collection of a debt by salary offset is explicitly provided for or prohibited by another statute.

(c) This regulation does not apply to any adjustment to pay arising out of an employee's selection of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay if the amount to be