

File Number:  
HR11-D-H

RECEIVED OCT 03 2016

U.S. DEPARTMENT OF LABOR

OFFICE OF WORKERS' COMP PROGRAMS  
PO BOX 8300 DISTRICT 50  
LONDON, KY 40742-8300  
Phone: (202) 693-0045

Date of Injury:  
Employee:

Dear Ms.

This is in reference to your workers' compensation claim. Pursuant to your request for a hearing, the case file was transferred to the Branch of Hearings and Review.

A preliminary review has been completed, and it has been determined that the case is not in posture for a hearing at this time. The decision of the District Office has been vacated and returned to the district office for further action as explained in the attached Remand Order.

Your case file has been returned to the Dallas District Office. You may contact that office by writing to our Central Mail Room at the following address:

US DEPARTMENT OF LABOR  
OFFICE OF WORKERS' COMP PROGRAMS  
PO BOX 8300 DISTRICT 16 DAL  
LONDON, KY 40742-8300

Sincerely,

ELECTRONICALLY SIGNED  
Ivy Thomas  
Hearing & Review Examiner

PAUL FELSER  
FELSER LAW FIRM, P.C.  
7393 HODOSON MEMORIAL DRIVE  
SUITE 102  
SAVANNAH, GA 31406

*If you have a disability (a substantially limiting physical or mental impairment), please contact our office/claims examiner for information about the kinds of help available, such as communication assistance (alternate formats or sign language interpretation), accommodations and modifications.*

Washington DC, September 27, 2016

U.S. DEPARTMENT OF LABOR  
OFFICE OF WORKERS' COMPENSATION PROGRAMS  
DECISION OF THE HEARINGS AND REVIEW EXAMINER

In the matter of the claim for compensation under Title 5, U.S. Code 8101 et seq. of  
Claimant; Employed by the

Case file

Merit consideration of the case file was completed on September 27, 2016 in Washington, DC.  
Based on this review, the preliminary finding of the overpayment made by the district office on  
is vacated for the reasons set forth below.

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The issue for determination is whether the Office should waive the overpayment because it falls below the Office threshold of debt collection.

The claimant born was employed by the as a filed a CA- 1, Notice of Traumatic Injury, claiming an injury to her right knee while in the performance of duty on Her claim was accepted for other tear of lateral meniscus, current injury, right knee, initial encounter; sprain of unspecified sites, knee and leg, right; traumatic arthropathy, lower leg, right. She has received compensation and medical care associated with her accepted condition(s).

On the district office issued a preliminary determination that Ms. was with fault in the creation of an overpayment of compensation in the amount of \$246.91 which occurred because the claimant received lost wages for six hours per day instead of four hours per day for the period through

The Federal Claims Collection Standards (FCCS), 31 CFR 902.2(a)(3), state that a claim may be compromised if the "cost of collecting the debt does not justify the enforced collection of the full amount." 31 CFR 903.3(a)(3) states that agencies may terminate collection activity when the "costs of collection are anticipated to exceed the amounts recoverable."

In a decision issued on September 29, 1986, the Comptroller General concluded that these standards extend to the collection of debts from Federal employees, and that agencies may establish "minimum debt amounts" and realistic "points of diminishing returns" in their debt collection activities. The term "minimum debt amounts" refers to the designation of categorical thresholds beneath which collection action need not be initiated, because the amount of the debts in that class are so small in relation to the costs of attempting collection efforts.

"Diminishing returns" refers to an agency's designation of debt collection efforts the agency initiated, but will discontinue, when it appears that the costs of additional collection actions would exceed the amounts likely to be recovered. Further, the Comptroller General instructed that agencies may, on a case-by-case basis, take the anticipated costs of required administrative hearings into consideration when determining whether to compromise or terminate collection action.

Washington DC, September 27, 2016

The circumstances of this case warrant recommendation that collection action toward recovery of the \$246.91 overpayment be terminated. My reasons are:

1. The potential costs to pursue this particular case will exceed the amount owed. The Office has estimated that the \$472.00 is the cost of preparing for and conducting pre-recoupment hearings such as that requested by the claimant. This figure, coupled with costs involved with collection would exceed the amount owed.
2. The claimant's actions in this case do not exhibit willful attempts to mislead the office.

I find, too, that the information supplied by the claimant in support of her request for a hearing is not currently sufficient to make a determination whether waiver of the overpayment may be granted.

In consideration of the above, the case is returned to the District Office. The overpayment should be deleted from the accounts receivable log and collection activities should be terminated.

DATED:  
WASHINGTON, D.C.

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Ivy Thomas  
Hearings and Review Claims Examiner  
For the Director, Office of  
Workers' Compensation Programs