

File Number:
HR11-D-H

RECEIVED NOV 14 2018

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

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 Jacksonville 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 6 JAC
LONDON, KY 40742-8300

Sincerely,

Division of Federal Employees' Compensation

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

If you have a disability and are in need of communication assistance (such as alternate formats or sign language interpretation), accommodation(s) and/or modification(s), please contact OWCP.

Washington DC, November 08, 2018

U.S. DEPARTMENT OF LABOR
Office of Workers' Compensation Programs

DECISION OF THE HEARING REPRESENTATIVE

In the matter of the claim for compensation under Title 5, U.S. Code 8101 et. seq. of _____
, Claimant; Employed by the _____; Case No. _____

Merit Consideration of the case file was completed in Washington, D.C. Based on this review, the decision of the Office dated _____ is set aside for the reasons set forth below.

The claimant, _____ born _____, is employed by the _____. She filed Form CA-1, "Notice of Traumatic Injury", for injuries she sustained while in the performance of her duties. _____ has received compensation benefits resulting from her accepted conditions.

On _____ the district office issued a preliminary determination that _____ was without fault in the creation of an overpayment of compensation in the amount of \$994.27. The overpayment occurred because life insurance premiums were not properly deducted for the period _____ to _____. _____ disagreed with the preliminary finding and requested a pre-recoupment hearing on the fault and the amount of the overpayment.

I have carefully reviewed this case and note that the Federal Claims Collection Standards (FCCS), 4 CFR, Section 104.3(c) states that collection action on debts may be terminated when it is likely that the cost of further collection action will exceed the amount likely to be recovered.

In a decision issued _____ the Comptroller General elaborated on 4 CFR by concluding 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 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 thresholds at which the agency will discontinue collection efforts already initiated when it appears that the cost of additional collection actions would exceed the amounts likely to be recovered. The Comptroller General further instructed that agencies may, in a case-by-case basis, take the anticipated costs of required administrative hearings into consideration when determining whether to compromise or terminate collection action.

In FECA cases involving administrative termination of debt collections, the Office set a threshold of \$1000 as the designated amount at which such termination must end. Therefore, any debts below \$1000 can be considered for termination of collection acts on a case-by-case basis.

Washington DC, November 08, 2018

The circumstances of this case warrant recommendation that collection action toward recovery of the \$994.72 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 \$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.

WASHINGTON, D.C.

Supervisory Claims Examiner
Branch of Hearings and Review
for the Director
Office of Workers' Compensation Programs