



UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

In the Matter of

Docket No. 06-73-OP

COLENE,

Overpayment Proceeding

Respondent.

DECISION

This matter comes before me following an adverse decision denying [REDACTED] a waiver of a purported overpayment of \$1,524.97. According to the bill of collection, [REDACTED] was paid for 80 hours of effort for the pay period April 4, 2006 through April 29, 2006. This represented 47 hours of work, 9 hours of annual leave, and 24 hours of advanced sick leave. Subsequently, an amended timesheet for the pay period was filed that altered the hours reported. The amended timesheet changed 31 hours of work and 9 hours of annual to 40 hours of absent without leave status. Inasmuch as an employee is not compensated when in an absent without leave status, this change resulted in the Department overpaying [REDACTED] \$1,529.97. In this action, Ms. [REDACTED] argues that she was, in fact, present at work during times that she was charged with being absent without leave and has provided various documentation to support her argument.

In light of the submission by [REDACTED], the tribunal requested further development of this matter by the Office of the General Counsel. It, in turn, passed the matter to the Office of Elementary and Secondary Education. The response by the Office of Elementary and Secondary Education indicates that the initial timesheet for the pay period was, in fact, correct and that the amended timesheet was in error. Accordingly, it is determined that [REDACTED] was not overpaid for the pay period April 4, 2006 through April 29, 2006, and, therefore, she does not owe a debt to the Department in that pay period.

Allan C. Lewis
Chief Administrative Law Judge

Dated: April 16, 2007