



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

In the Matter of

Docket No. 07-282-OP

CAROL,

Overpayment Proceeding

Respondent.

DECISION

This matter comes before me following an adverse decision denying Mrs. Carol Chelemer a waiver of a purported overpayment in the amount of \$15,575.75. According to the bill of collection dated April 23, 2007, Mrs. Chelemer retired on July 1, 2006, and received a lump sum payment in the amount of \$16,876.44 for 252 hours of accumulated annual leave. Thereafter, she returned to the Department as a reemployed federal annuitant effective July 5, 2006. As a consequence, she was only entitled to 16 hours of lump sum pay. The bill of collection concludes that "she has been double compensated for the additional 236 hours" (252 - 16 = 236) of accumulated leave and, therefore, seeks to collect \$15,575.75.

The allegation of double compensation is based on the assumption that, upon reappointment, Mrs. Chelemer's leave account was credited with 236 hours of annual leave. In fact, her leave account was not credited with any additional leave attributed to her prior appointment. Therefore, she was not double compensated at the time of her appointment. Moreover, her leave account was never adjusted over the next ten months of her employment and she left the Department in May, 2007. In this circumstance, there is no debt owed to the Department and, as a consequence, the bill of collection is voided.

Allan C. Lewis
Chief Administrative Law Judge

Dated: June 11, 2007