



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

In the Matter of

Docket No. 11-24-O

Soo,

Overpayment Proceeding

Respondent.

FINAL DECISION

On April 6, 2011, the Office of Management issued a notice to [Respondent] requesting the return of \$375.00 in transit funds. This figure represents transit benefits for 15 of the 20 working days in January 2006 and for the months of February, March, and April of 2006. The theory of the notice was that [Respondent] separated from the Department on January 8, 2006, and therefore, received benefits for this subsequent period of time even though he was no longer an employee of the Department. As such, he was not entitled to these benefits.

[Respondent] states that he did not retire on January 8, 2006. Rather, he retired approximately three months later on April 3, 2006. On this, his last day of work, he turned-in his transit card to the Human Resources office.

I find [Respondent's] statement credible. As such, he was entitled to the transit benefits through April 3, 2006, since he was an employee of the Department. Moreover, he returned his transit card to the Human Resource office on his last day of work. Thus, he did not utilize any transit benefits to which he was not entitled. Accordingly, I determine that he does not owe a debt in the amount of \$375 to the Department.

Allan C. Lewis
Chief Administrative Law Judge

Issued: May 3, 2011
Washington, D.C.