



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

In the Matter of

Docket No. 11-30-O
Overpayment Proceeding

Leo,

Respondent.

FINAL DECISION

On April 6, 2011, the Office of Management issued a notice to Leo T. Stopa requesting the return of \$50 in transit funds. According to the notice, Leo T. Stopa accepted benefits in the amount of \$75 on August 6, 2007. This amount represented monthly benefits of \$25 for the months of August through October 2007. The theory of the notice is that Leo T. Stopa separated from the Department on August 31, 2007, and, therefore, received \$50 of transit benefits for the months of September and October – two months in which he was not employed by the Department. As such, he was not entitled to these benefits and they must be returned.

Leo T. Stopa states that he did separate from the Department on August 31, 2007. The \$75 of transit benefits represented, however, the amount of his monthly benefits to which he was entitled and it represented his benefits for the month of September -- the last month of his employment with the Department. As such, he was not overpaid and does not owe a debt of \$50 to the Department.

I find the statements by Leo T. Stopa credible. He was entitled to the \$75 of transit benefits for the month of September 2007 and, therefore, was not overpaid. Accordingly, Leo T. Stopa does not owe a debt to the Department in the amount of \$50.

Allan C. Lewis
Chief Administrative Law Judge

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