



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 [Respondent] requesting the return of \$50 in transit funds. According to the notice, [Respondent] 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 [Respondent] 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.

[Respondent] 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 [Respondent] credible. He was entitled to the \$75 of transit benefits for the month of September 2007 and, therefore, was not overpaid. Accordingly, [Respondent] 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.