



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS
OFFICE OF ADMINISTRATIVE LAW JUDGES
400 MARYLAND AVENUE, S.W.
WASHINGTON, D.C. 20202
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In the Matter of

PD,

Respondent.

Docket No. 18-80-OF

Overpayment/Pre-offset Hearing

Appearances: [Reacted], Respondent, self-represented

Michael Taylor, Acting Assistant General Counsel, Office of the General Counsel, Business and Administrative Law Division, U.S. Department of Education¹

Before: Angela J. Miranda, Administrative Law Judge

DECISION

I. Jurisdiction and Procedural History

The Office of Administrative Law Judges has current jurisdiction over the above referenced matter.² By letter dated December 3, 2018, a Notice of Debt (Notice) was issued by the U.S.

¹ The Department was initially represented by another attorney of the Office of the General Counsel. After the Department's brief was filed, that attorney separated from the Department of Education and a Change in Counsel was filed, indicating Tracey Sasser as the attorney of record for the Department. Ms. Sasser has left the agency and OHA has not received any notice of a substitution of counsel within the Office of General Counsel.

² The Department's policy is set forth in the U.S. Department of Education's Administrative Communications System, Handbook for Processing Salary Overpayments (ACSD-OFO-009, approved on January 19, 2012 and updated on July 12, 2022 and August 11, 2022). An erroneous payment to a federal employee, or former federal employee, creates a debt to the United States that requires collection or, in certain instances, allows waiver and various laws are available to the United States to administratively collect or waive these types of debts (5 U.S.C. §§ 5514 and 5584, 31 U.S.C. §§3711 and 3716. *See also*, Debt Collection Act of 1982 (Pub. L. 97-365, October 25, 1982), Federal Debt Collection and Procedures Act (Pub. L. 101-647, Title XXXVI, November 29, 1990), and Debt Collection Improvement Act of 1996 (Pub. L. 104-134, Section 31001, April 26, 1996)).

Historically, these administrative proceedings were the shared responsibility of the Comptroller General of the former General Accounting Office, now the Government Accountability Office, and the various Executive agencies, if the amount of the debt was below a certain dollar amount (*See, https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/waiving-overpayments/*). With Passage of the General Accounting Office Act of 1996 (Pub. L. 104-316, Section 103(d)), the authority for administrative proceedings to collect or waive these types of debts was given to the Director of Office and Management and Budget (OMB). The Director of OMB redelegated

Department of Interior, Interior Business Center, the payroll agent for the U.S. Department of Education (Department). On December 27, 2019, a request for a hearing in relation to this matter was filed with the Office of Hearings and Appeals (OHA).³

Thereafter, a scheduling order (Order Governing Proceeding) was issued requiring the Department to file a complete copy of the notice provided to the Respondent and all government records supporting the alleged overpayment determination along with the Department's brief (OES Document 2).

The scheduling order required the Respondent to notify the OHA if she consented to use the OHA Electronic Filing System (OES). The scheduling order permitted the Respondent to file a response to the Department's brief, and if the Respondent was challenging the Department's imposition of an involuntary repayment schedule in the collection of a valid debt, then the Respondent was required to submit evidence of extreme financial hardship (*Id.*).⁴

The Department filed its brief, along with four supporting exhibits, on February 28, 2019 (OES Document 6). The Respondent failed to notify OHA that she consented to the use of OES for filing, she did not file a response to the Department's brief, and she did not file any evidence to support a finding of extreme financial hardship. Considering this failure, I issued an Order to Show Cause to the Respondent on January 21, 2021, which allowed the Respondent to show cause for her failure to follow the prior orders in the proceeding (OES Document 8). The Order to Show Cause advised the Respondent that failure to comply with the procedures and orders in this proceeding would result in the closing of the record and a decision on the evidence of record. No further filings were received by the Respondent. This record is closed and ready for a decision on the record.

II. Issue

Whether the Department has established the debt under Debt ID Q3381013209 is a valid debt.

III. Legal Framework/Applicable Laws and Regulations

A. Debt Collection and Administrative Offset

The Federal Claims Collection Act of 1966 (Pub. L. 89-905, July 19, 1966) was enacted to avoid unnecessary litigation for the collection of claims of the United States. The law has been amended numerous times since 1996. One of the amendments resulted in codification at 31 U.S.C. §3711, which address the collection and compromise of a debt owed to the United States.⁵

this authority to the Executive Agencies by memorandum, dated December 17, 1996, and the dollar limit previously imposed for jurisdiction by the Executive agencies was eliminated (*See*, https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/omb/foia/gc_dec17.pdf.)

³ The request simultaneously asked for a Waiver. A Waiver proceeding was docketed under 18-79-WA. That proceeding was stayed pending resolution of this pre-offset hearing.

⁴ Extensions of time were granted and while the dates of submissions in the initial scheduling order were changed, the general requirements were not (*See*, OES Document 5).

⁵ This section was subsequently amended by the Debt Collection Improvement of 1996 and the General Accounting Office Act of 1996.

Consistent with the original intent of the Federal Claims and Collection Act of 1966, the current statute requires the head of an executive agency to attempt to collect a claim of the United States Government for money or property arising out of the activities of or referred to the agency (31 U.S.C. §3711(a)(1)). The head of the agency must act under regulations prescribed by the head of the agency and the standards that the Attorney General and the Secretary of Treasury prescribe (31 U.S.C. § 3711(d)(1) and (2)).⁶

The Department's regulations are found at Part 32 of Title 34 of the Code of Federal Regulations. Initially, using the Administrative Communications System (ACS), the Department established policy in relation to salary overpayments with the issuance of the Handbook for Processing Salary Overpayments (ACS-OM-04), hereinafter referred to as the Handbook. Revisions were made to that Handbook on January 19, 2012. On July 12, 2022, technical changes were made, and the Handbook was renumbered per the new ACS document numbering system (ACSD-OFO-009). Technical changes and updating of POC/Division references were made on August 11, 2022.

B. Notice Requirements

The relevant federal statute for requires that the head of the agency provide notice to a federal employee prior to collection by administrative offset of a salary overpayment (31 U.S.C. §3716). The statute specifically requires that the notice be in writing, identify the type and amount of the claim, state the intention of the agency to collect by administrative offset, and explain the rights of the debtor. The agency must provide an opportunity to inspect and copy the records of the agency related to the claim, an opportunity for review within the agency of the determination of the claim, and an opportunity to make a written agreement with the agency to repay the amount of the claim (*Id.*).

The Department regulations provide that the pre-offset notice be in writing, establish the origin, nature, and amount of the overpayment, how interest is charged, and how administrative costs and penalties will be assessed (34 C.F.R. § 32.3(a) and (b)). The regulations require the Department to demand repayment while providing the opportunity to enter into a written repayment agreement with the Department (34 C.F.R. § 32.3(c)). The regulations require that the debtor be advised of the right to the right to request a waiver, if waiver of repayment is authorized by law (34 C.F.R. § 32.3(d)). The regulations require that the Department identify the intention to deduct up to 15% of the employee's disposable pay to recover the overpayment if a waiver is not granted and the employee has not entered into a written repayment agreement (34 C.F.R. § 32.3(e)). Additionally, the Department must provide specific details about the amount, frequency, approximate beginning date and duration of the intended deduction (34 C.F.R. § 32.3(f)). The Department is required to provide the Government records supporting the debt with the notice or advise how those records will be made available to the employee for inspection and copying (34 C.F.R. § 32.3(g)). Lastly, the regulations require that the debtor be informed of the right to request a pre-offset hearing concerning the existence of, the amount of the overpayment, or seek relief from an involuntarily

⁶ The Attorney General and Secretary of Treasury published a notice of proposed rulemaking on December 31, 1997 (62 FR 68476-01) and the final rule was published on November 22, 2000 (65 FR 70390-01). The regulations for Federal Claims Collection Standards (FCCS) are found at 31 C.F.R. Parts 900-904. The final rule revised the FCCS issued by the Department of Justice and the General Accounting Office on March 9, 1994 and reflected changes under the Debt Collection Improvement Act of 1996 and the General Accounting Office Act of 1996.

imposed repayment schedule (34 C.F.R. § 32.3(h)).

The Department policy, which is mostly consistent with the requirements of the applicable statutes and Department regulations, provides further instruction as to how the Department will process salary overpayments and imposes additional requirements upon the Department.⁷

C. Requirement for a Hearing

The statute authorizing installment deduction for indebtedness to the United States resulting from an erroneous payment of pay and allowances, travel, transportation, and relocation expenses and allowances requires an opportunity for a hearing to challenge 1) that a debt exists, 2) the amount of the debt, or 3) in the case of an individual whose repayment schedule is established other than by a written agreement, to establish extreme financial hardship to be relieved of involuntary collection of 15% of disposable income (5 U.S.C. §5514(a)(2)(D)). The Department regulations are consistent with the authorizing statute (34 C.F.R. §§ 32.4(a) and 32.3(e)).

The authorizing statute demands that the hearing be conducted by an individual who is not under the supervision or control of the head of the agency and does not prohibit the appointment of an administrative law judge as the hearing official (5 U.S.C. §5514(a)(2)(D)).⁸ The Department's regulations require that the hearing be conducted by a hearing official who is not an employee of the Department or under the supervision or control of the Secretary (34 C.F.R. 32.5(d)). With the implementation of the Handbook, the Department established policy interpreting this regulation and authorized an administrative law judge employed by the Department to preside over pre-offset hearings. This policy interpretation of the Department's regulation is consistent with the intent of the initiating statute.

The authorizing statute's provision for a hearing on the existence or amount of the debt requires that the agency provide government records to establish the agency's claim for the debt (5 U.S.C. § 5514(a)(2)(B)). The Department's regulation requires that a copy of the government records on which the determination of overpayment was made be included with the pre-offset notice or the employee be informed how those records will be made available to the employee (34 C.F.R. §32.3(g)). As such, the agency carries the initial burden of establishing the existence of and amount of the alleged debt.

The Department's regulations require the hearing official to decide whether the Secretary's determination of the existence or amount of the debt is clearly erroneous (34 C.F.R. § 32.9). The Department's policy describes the "clearly erroneous" standard by referencing a standard of

⁷ Current Department policy and practice shows the Department generally relies on its payroll agent, the Department of Interior, Interior Business Center to issue the required notice if the employee is a current employee. Often this notice is in the form of a "Bill for Collection" (as titled by the payroll agent in some notices), "Bill of Collection" (as titled in the Department's policy), or otherwise referenced as a debt letter. In the case where the employee is not a current employee of the Department, the notice is issued by the Department, often relying on the Bill for Collection generated by the payroll agent.

⁸ This statute does not prevent a federal agency from appointing an administrative law judge employed by that federal agency from presiding over pre-offset hearings for an employee at that federal agency (*See*, 7 C.F.R. § 1951.111(b)(5) (defining the Hearing Officer for cases involving USDA employees as an Administrative Law Judge of the USDA or another individual not under the supervision or control of the USDA)).

review that governs appellate review of district court findings.⁹ Neither the Department's regulations nor policy provide any rationale or explanation for requiring this standard of review in an administrative proceeding, which generally allows for a *de novo* review.

D. Accrual of Leave

A federal employee accrues annual leave based on years of service (5 U.S.C. §6303). An employee with less than three years of services accrues one-half day each full biweekly pay period, an employee with three years but not more than 15 years of service accrues three-fourth day for each full biweekly pay period except the last full biweekly pay period in a year when one and one-fourth days of leave accrue, and an employee with 15 years of service or more accrues one full day for each full biweekly pay period (5 U.S.C. §6303(a)(1)-(3)). A federal employee accrues one-half day sick leave for each full biweekly pay period (5 U.S.C. §6307(a)).

Non-pay status affects the accrual of annual and sick leave. If a full-time employee accumulates a total of 80 hours of non-pay status from the beginning of the leave year, neither annual nor sick leave will accrue in the pay-period when 80 hours of non-pay status occurs (5 C.F.R. §630.208). An employee earns leave on a pro rata basis for each fractional pay period when service is interrupted by a non-leave-earning period (5 C.F.R. §630.204). Although not defined in the statute, leave without pay is a non-pay status applied to federal employees.

E. Leave Administration

Consistent with its authority pursuant to 5 C.F.R. § 6311, OPM's regulations related to absences and leave are found in Part 630 of Title 5 of the Code of Federal Regulations (C.F.R.). OPM established that the head of an agency is responsible for the proper administration of the leave statutes and regulations (5 C.F.R. § 630.101). That responsibility includes maintaining an account of leave for each employee in accordance with the methods required by the General Accounting Office (*Id.*).

The Department's policy to meet this regulatory obligation is found in the Department's Human Capital Policy (HCP) 630-1, Leave Administration.¹⁰ Chapter 63 of Title 5 of the U.S.C. and Part 630 of Title 5 of the C.F.R. is cited as authority for this policy (HCP 630-1, Section I). As such, this policy is expected to be consistent with the statutory and regulatory requirements and should not be more restrictive than those requirements.

The policy establishes procedures on absences and leave, assigns general responsibilities on all leave matters, provides general information to all ED employees about leave, and promotes consistent application of leave policies throughout the Department (HCP 630-1, Section II). This policy defines two non-pay leave statuses. Leave without pay (LWOP) is a temporary non-pay

⁹ The Handbook relies on the "clearly erroneous" standard as described in *Anderson v. Bessemer*, 470 U.S. 564, 73-4 (1985).

¹⁰ The Department's Human Capital Policies are found on the Department's intranet at Human Capital Policies (HCPs) (sharepoint.com). The intranet site shows the most recent issue date for this policy as January 1, 2021. The dated indicated on the first page of the policy is "07/20/2018*" and the asterisk indicates the current policy "[s]upersedes HCP 601-1, dated July 20, 2018 and is current as of January 2021." This information seems to reflect the issue date of January 1, 2021, and suggests there were no changes to this policy as released on July 20, 2018.

status from a regularly scheduled tour of duty for which pay would otherwise be due and is granted upon the employee's request (HCP 630-1, Section IV). A second non-pay status is absence without leave (AWOL), which is an unauthorized absence from duty without pay (*Id.*). The responsibilities of leave approving officials include, among other things, assuring that all absences from duty are appropriately charged to leave or absence without leave in accordance with this policy, approving and disapproving employee leave requests, maintaining required records on leave, and submitting necessary records to other officials when necessary (HCP 630-1, Section V(E)(3) and (5)).

The policy explains that LWOP is granted at an employee's request and in most instances the granting of LWOP is within the supervisor's (approving official's) discretion, unless it is an employee entitlement under specific laws or executive order (HCP 630-1, Section VI(E)(1)(a)). LWOP is distinguished from AWOL because LWOP is permissive, and it may not be used to support a future disciplinary action (HCP 630-1, Section(E)(3)(a)). AWOL is unapproved leave, which is not a form of discipline, but an incidence of AWOL may be the basis for a disciplinary or adverse action (HCP 630-1, Section VI(J)(1)). Leave approving officials (supervisors) are required to carefully document the reasons for placing an employee in an AWOL status (*Id.*). Furthermore, the leave approving official is required to provide written notice to the employee that the employee was found to be AWOL and document the reasons for such a finding (HCP 630-1, Section VI(J)(2)). If an employee provides justification for the unapproved absence, the AWOL may be replaced by the appropriate leave category (HCP 630-1, Section VI(J)(4)).

IV. Findings of Fact

1. The United States Department of Interior, Interior Business Center, the Department's payroll agent issued a Notice of Debt dated December 3, 2018, asserting a debt owed by the Respondent in the amount of \$325.23 that resulted from a time sheet correction submitted for pay period 24 of 2018.
2. The Respondent timely filed a request for a pre-offset hearing on December 27, 2018.
3. WebTA was the Department's timekeeping system in 2018.
4. In support of the asserted debt, the Department filed reissued copies of the Respondent's Leave and Earnings Statements (LES) for pay periods 24 and 25 of 2018.
5. The reissued LES for pay period 24 of 2018, establishes that the Respondent accrued 8 hours of annual leave and used 8 hours of annual leave in that pay period. It also shows the Respondent had a beginning balance of sick leave equaling 0.30, which indicates 30 minutes of sick leave, accrued 4 hours of sick leave, and had a balance of 196 hours advanced in sick leave. The Respondent was paid for 80 hours at the hourly rate of \$55.68 in this pay period.
6. The reissued LES for pay period 25 of 2018 shows that the Respondent accrued 8 hours of annual leave and used 8 hours of annual leave in that pay period. It also shows the Respondent accrued 4 hours of sick leave and had a balance of 192 hours of advanced sick leave. This LES shows that the Respondent was charged with leave without pay (LWOP)

for 7.30 hours, which indicates 7 and one-half hours. The Respondent was paid for 80 hours at the hourly rate of \$55.68 in this pay period.

7. The Department has failed to provide Government records from WebTA or the Federal Personnel/Payroll System (FPPS). Available records from WebTA include but are not limited to timecards, leave requests – submitted and approved or denied, and timecard corrections.
8. The Department has failed to provide any Government records related to leave requested, absence by the Respondent without authorized leave, or any records that justify the correction made to the time sheet for the Respondent to pay period 24 of 2018.

V. Arguments

A. Respondent's Initial Request for a Hearing (OES Document 1)

The Respondent's initial request for a hearing is quite simple. She asserts she had no reason to believe that the debt was incurred, that collection would be against equity and good conscience, she thought she was due the amount paid, and she cannot afford to pay this debt due to financial constraints.

B. Department's Argument and Supporting Documentation (OES Document 6)

The Department asserted the Notice of Debt in the amount of \$325.23 was provided to the Respondent and that the debt was "due to a time sheet correction for pay period 24-2018." The Department asserted the Respondent "sought to utilize eight (8) hours of annual leave that she did not possess in pay period 201824" and the Department reported that in pay period 25-2018, "the timekeeper backed out 8 hours of leave and substituted .30 hours of sick leave, which was available to the Respondent." The Department further explains that the Department was able to "recoup most of the Respondent's standard deductions" and, therefore, the total due to the Agency was \$325.23, which is the net amount to be paid by the Respondent for seven and one-half hours, based on her hourly rate of pay. The Department explained this "T&A correction" occurred during pay period 25-2018 when a leave adjustment was processed for the 8 hours that the "Respondent was paid for but for which she did not possess adequate leave for."

The Department argued that employees are responsible for verification of their pay, deductions, and leave as reflected on a leave and earnings statement. The Department represented that the payroll processing system, WebTA at the time, provides up to date summaries of leave balances. The Department asserted the Respondent requested leave for pay period 24-2018 but did not have leave to cover the eight hours requested. The Department then argued it was "clear the Respondent was paid for eight hours of leave in pp 24-2018, but she was only able to cover/offset .30 of her annual leave request through sick leave." This assertion and argument lead to the Department's conclusion that there is a balance owing to the Department for the remainder of her leave that was taken. Lastly, the Department argued that "the Respondent has not claimed that she did not take any leave, only that she cannot afford to repay the debt." In conclusion, the Department requested that the \$325.23 debt be upheld.

VI. Analysis

The Department's argument presented in its brief is inadequate and the Department has failed to submit government records to support its argument or to support the asserted debt. While the Notice issued by the Department's payroll agent indicates the overpayment was the result of a correction to the Respondent's time sheet for pay period 24 of 2018, the Department failed to produce a corrected time sheet establishing what correction was made that resulted in an overpayment. Although the Department asserted the Respondent "sought to use 8 hours of annual leave that she did not possess in pay period 201824," it provided no leave slip that was submitted by the Respondent and reviewed by the Respondent's supervisor in pay period 24 of 2018.

The only evidence submitted for pay period 24 of 2018 was a reissue of the Respondent's leave and earnings statement (LES), where in the Respondent was paid for 80 hours at the regular hourly rate of \$55.68. This LES showed the Respondent accrued eight hours of leave, used eight hours of leave, and had no available annual leave balance in that pay period. This same LES shows the Respondent had a beginning balance of .30 (one half hour) of sick leave, she accrued four hours of sick leave, she used 289.30 hours of sick leave year to date, she had an advanced balance of 196.00 hours of sick leave,¹¹ and at the end of that pay period she had an available balance of .30 hours of sick leave.

The Department then argued in its brief that in pay period 201825, the "timekeeper backed out 8 hours of leave and substituted .30 hours of sick leave which was available to the Respondent." In support of this argument, again the Department only submitted a reissued LES statement for pay period 25 of 2018, wherein the Respondent was paid for 80 hours at the regular hourly rate of \$55.68. Again, this LES showed the Respondent accrued eight hours of leave, used eight hours of leave, and had no available annual leave balance in that pay period. This LES showed no beginning balance of sick leave, that she used 290.00 hours of sick leave year to date, she had an advanced balance of 192.00 hours of sick leave,¹² and at the end of that pay period she had no available balance of sick leave. This LES shows the Respondent used 7.30 hours of LWOP, indicative of the time sheet correction asserted to have been made by the timekeeper "back[ing] out the eight hours of annual leave and substitut[ing] .30 hours of sick leave" reported by the Department in its brief.

The inadequacy of the Department's argument begins with the Department's representation that the Respondent sought to use annual leave that she did not possess, without any further explanation or documentary evidence to support such an assertion. The Department asserts the Respondent "sought to use annual leave" but it provides no evidence that the Respondent submitted a leave slip in seeking such leave. Notably, the LES for pay period 24 of 2018 shows that the Respondent accrued and used eight hours of leave in that pay period. The Department asserts that the Respondent did not "possess" annual leave but fails to provide documentary evidence that the supervisor denied a request for annual leave, beyond the eight hours of annual leave used in this

¹¹ Although this LES does not show that sick leave was approved, and therefore used, in this pay period, the sick leave accrued in this pay period was credited to the sick leave that was previously advanced to the Respondent.

¹² Although this LES does not show that sick leave was approved, and therefore used, in this pay period, the sick leave accrued in this pay period was credited to the sick leave that was previously advanced to the Respondent.

pay period. Furthermore, the Department failed to provide any documentation that the Respondent was paid for a period of absence for which leave was not approved in pay period 24 of 2018.

Next the Department asserts that the timekeeper backed out eight hours of annual leave in pay period 25 of 2018 and the Respondent is “liable for the remainder of the eight hours utilized and for which she was paid in pay period 201824” after the timekeeper “substituted .30 hours of sick leave which was available to the Respondent to apply.” Although this assertion would account for the seven and one-half hours that was recorded as LWOP that is shown as a used year to date balance in the LES for pay period 25 of 2018, the Department failed to provide any documentary evidence to support that action.

Leave without pay (LWOP) is a temporary non-pay status from a regularly scheduled tour of duty for which pay would otherwise be due and is granted upon the employee’s request. There is no documentation that the Respondent requested leave without pay and there is no evidence that the supervisor identified and properly documented any absence from work in pay period 24 of 2018 that would require a correction. The leave policy at the Department is clear and unequivocal. The supervisor, generally the leave approving official, has the responsibility, among other things, of assuring that all absences from duty are appropriately charged to leave or absence without leave in accordance with the Department’s policy and approving or disapproving employee leave requests. Furthermore, the supervisor is responsible for maintaining required records on leave and submitting necessary records to other officials when necessary.

The timekeeper’s action as described in the Department’s brief is without authority unless the supervisor properly approved the Respondent’s request for LWOP or otherwise documented a period of absence that occurred without leave (AWOL) that necessitated a correction to the Respondent’s timecard in pay period 24-2018. Again, the Department’s policy is clear and unequivocal. Leave approving officials (supervisors) are required to carefully document the reasons for placing an employee in an AWOL status (*Id.*). Furthermore, the leave approving official is required to provide written notice to an employee that the supervisor found to be AWOL and document the reasons for such a finding. If an employee provides justification for the unapproved absence, the AWOL may be replaced by an appropriate leave category. The Department’s assertion of the overpayment is unsupported by its argument and unsupported by any government records.

VII. Conclusion and Order

While the Department is entitled to seek recovery of a debt it believes is owed by an employee, the Department bears the burden of establishing the alleged debt existed and the amount of the debt. While the Department’s evidence in the form of the attachment to the Notice of Overpayment suggests there may be a debt, fundamental fairness, the statutes, the Department’s regulations, and the Department’s policy, mandate more than showing that the debt is a mere possibility. The Department has failed to provide adequate documentation in support of the asserted debt. In the absence of Government records supporting the asserted debt, the Department has failed to establish a valid debt.

For the reasons indicated in this decision, the asserted overpayment is not established as a valid

debt that requires repayment by the Respondent. Based on the foregoing findings of fact and analysis, it is **HEREBY ORDERED:**

1. The Department has failed to meet its burden of proof to establish the alleged overpayment identified in the April 3, 2018, Notice of Debt as a valid debt.
2. Having failed to meet its burden, the Department may not require repayment of this alleged debt.
3. The Department shall refrain from any and all collections attempts for these alleged debts, now or in the future.
4. This decision constitutes a final agency decision.

Dated: March 30, 2023

Angela J. Miranda
Administrative Law Judge