



DEFENSE FINANCE AND ACCOUNTING SERVICE

8899 east 56th street
Indianapolis, in 46249-0201

Name
Address

Dear Name:

This is in reference to your waiver request and file number MSXXXXXXX. You applied for waiver consideration of a \$X,XXX.XX indebtedness established upon the settlement of your travel voucher. For the reasons stated below, your waiver request is ineligible for waiver consideration in the amount of \$X,XXX.XX.

You were placed on official Navy Permanent Change of Station (PCS) orders for movement from Newport, RI, with Temporary Duty (TDY) enroute to Pearl Harbor HI during the period August 18 through December 11, 2012. Upon settlement of your travel claim in December 2015 you were paid \$X,XXX.XX on January 6, 2016. This payment took into account one travel partial settlement you were paid in the amount of \$X,XXX.XX, on September 5, 2012. Upon audit of your travel it was found you were paid partial travel payments paid in the amounts of \$X,XXX.XX on November 19, 2012, and November 29, 2012, and August 20, 2012, in the amount of \$X,XXX.XX and October 31, 2012, in the amount of \$X,XXX.XX, were not included in your travel submission. These payments totaled \$X,XXX.XX and were not included in your travel packet and a debt was established by the department of Defense Travel Services. You filed an additional claim for payment of Dislocation Allowance and paid \$X,XXX.XX. This amount was used to offset your debt, and lowered your indebtedness to \$X,XXX.XX. Your total travel entitlements for this period totaled \$XX,XXX.XX, and you were paid payments totaling \$XX,XXX.XX, resulting in an overpayment in the amount of \$X,XXX.XX. We have verified amounts on the debt computation equal the amount being requested for waiver.

Certain members of the uniformed services may be eligible for waiver of collection of erroneous payments of pay and allowances under the authority of 10 U.S.C. 2774. For waiver approval, collection must be determined to be against equity and good conscience and not in the best interest of the United States. Department of Defense Instruction (DoDI) set out the standards for waiver determinations. Generally, persons who receive a payment from the Government acquire no right to the money. They are bound in equity and good conscience to make restitution. If the payment was made by mistake, the recipient must make restitution unless a waiver of repayment is approved. A waiver is not a matter of right, but is available to provide relief as a matter of equity if the circumstances warrant a waiver.

The standards for determining the appropriateness of a waiver further provide that waiver is not appropriate if the erroneous payment is the result of fraud, misrepresentation, fault or lack of good faith on the part of the waiver applicant. Waiver is not appropriate when a recipient knows or reasonably should have known that a payment was erroneous. If the member is furnished with information that would cause a reasonably prudent person to be aware of or suspect the existence of an error but the employee fails to take sufficient corrective action, the member is not without fault and waiver should be denied. The fact that an erroneous payment is solely the result of an administrative error or mistake is not a sufficient basis in and of itself for granting a waiver. The recipient of the payment has a duty to notify an appropriate official and to set aside the funds for eventual repayment, even if the Government fails to act after such notification. Financial hardship is not a factor for consideration when determining whether a waiver is appropriate.

A travel advance payment is considered as merely a loan to you, to be used for authorized expenses in accordance with your travel orders. It is not meant to represent a final determination of the amount to which you are entitled, and when you receive such advance travel funds you are on notice that you will be entitled to be reimbursed only legally authorized expenses. Audits are conducted after the travel has been settled. Upon audit, the travel office identified discrepancies in the amount of payments listed on your final settlement voucher, and what you actually received. In his implementing instructions, the Comptroller General ruled that any payment that is legal and proper when paid may not be considered for waiver. At the time you received the travel advances, payments were proper; therefore, the debt is not an erroneous payment subject to waiver. The advance is based on an estimate of expenses you might incur in conjunction with your PCS with the knowledge that the actual expenses incurred might be different. The debt is not the result of an erroneous payment and, therefore, cannot be waived under 10 U.S.C. § 2774.

You may request that the Defense Office of Hearings and Appeals (DOHA) reconsider our decision. Reconsideration requests must be made in writing, and as noted in DoDI 1340.23, paragraph E8.2, our office must receive the request within 30 days of the date of this letter. We may extend this period for up to an additional 30 days for good cause shown if the written request for an extension of time is received within the original 30 days. A request for reconsideration must be sent to our office at the following address: DFAS-IN, 8899 East 56th Street, Department 3300 (Waivers/Remissions), Indianapolis, IN 46249-3300, or emailed to dfas.indianapolis-in.jfe.mbx.remission-waiver-indy@mail.mil, or faxed to DSN 699-8654, Commercial (317) 212-8654. No request for reconsideration may be accepted after this time has expired.

Your signed request must conform to DoDI 1340.23, paragraph E8.3, contain your name, file number, and your current address. It must also identify the specific errors or omission of facts in the original waiver decision and explain the reasons why the decision should be reversed or modified. Any additional evidence not included in the original waiver, but addressed in the appeal, must be provided. The complete DoDI 1340.23 may be found on-line at <http://www.dtic.mil/whs/directives/corres/pdf/134023p.pdf>. You should be aware that collection of your debt may not be suspended while the DOHA is considering your request. Our point of contact is the undersigned at (866) 912-6488, or email dfas.indianapolis-in.jfe.mbx.remission-waiver-indy@mail.mil.

Sincerely,

Signature Authority
Chief, Remissions and Waivers Branch
Debt and Claims Management

cc:
Deputy Disbursing Officer
Personnel Support Detachment
2600 Dodson St, Bldg. 1169
Port Hueneme, CA 93043-4416