



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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NOTE FOR: Lee Hiller, Director
Division of Accounting and Finance
Office of the Controller

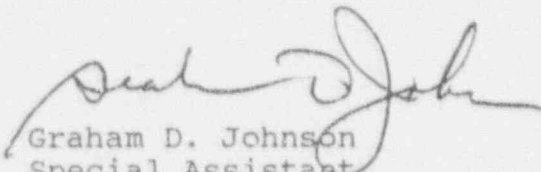
FROM: Graham D. Johnson
Special Assistant
Office of the Controller

SUBJECT: OFFSET AGAINST PAY FOR TRAVEL ADVANCES

OPM salary offset regulations do not apply to the collection of travel advances according to the attached "Federal Employee Salary Offset Guide," issued by Treasury's Financial Management Service. This guide further states that 5 U.S.C. 5705 provides authority for offset against pay for travel advances and that it is sufficient to afford a debtor with the due process requirements for administrative offset in 4 C.F.R. 101-105.

Based on the above, it may be unnecessary to afford the debtor with the opportunity for an oral hearing except as provided for in 4 CFR 102-3(c). Even if an oral hearing is afforded it is unclear whether or not it would be necessary to have the hearing conducted by an administrative law judge or a hearing official not under the control of the head of the agency.

I recommended that we seek clarification on this issue from the Office of the General Counsel or the General Accounting Office.


Graham D. Johnson
Special Assistant
Office of the Controller

Attachment: As stated

cc: Diane Dandois, DAF
Carolyn Miller, DAF

9/27/71
Confirmed
with OPM
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o Legislative Branch Offsets

The Legislative Branch participates in the salary offset program. For information on the Legislative Branch procedure for salary offset of Congressional employees, agencies should contact the Office of the Clerk, U.S. House of Representatives. For the Library of Congress employees, agencies may contact the Accounting Office directly. The name(s) and phone number(s) of the current Legislative Branch contacts are included in the list of *Federal Employee Salary Offset Program Coordinators*.

o Travel Advances, Training Expenses

OPM salary offset regulations do not apply to the recoupment of travel advances or training expenses. Agencies, however, have the authority to offset travel advances or training expenses against accrued pay in accordance with the due process requirements of the FCCS for administrative offset 4 CFR 101-105. Five (5) USC 5705 provides authority for offset against pay for travel advances. Likewise, 5 USC 4108 prescribes the total amount of training expenses which may be offset against pay.

o Judgments

Offsets for judgments should conform to the requirements of FPM Chapter 552, dated October 2, 1986. When a court has determined that an employee is indebted to the United States and enters a judgment against the employee, offsets of up to 25 percent of disposable pay may be authorized. The types of disposable pay subject to offset include basic pay; special pay; incentive pay; other authorized pay; and subsequent