

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

June 13, 2006

GSBCA 16901-DBT

In the Matter of THARIN D. [REDACTED]

Tharin D. [REDACTED], Petitioner.

James E. Hicks, Senior Attorney, Administrative Law Section, Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Alexandria, VA, appearing for Department of Justice.

GOODMAN, Board Judge.

Petitioner transferred from the Veterans Administration to the Drug Enforcement Administration (DEA) in August 2004. An administrative official at DEA sent petitioner the wrong form for continuation of her health insurance and as a result DEA did not timely process the continuation of petitioner's health insurance. Health insurance premiums for three pay periods in the total amount of \$225.76 were not deducted from petitioner's salary and not paid to the insurance company.

When this error was discovered, the DEA forwarded to petitioner the correct form and thereafter paid the insurance premiums for the three pay periods. Petitioner then received a notice of debt for \$225.76, as the DEA asserted that the initial failure to withhold the insurance premiums was an overpayment of salary and petitioner was indebted to the Government for the insurance premiums that were paid once the error was discovered. The Government initially withheld the amount of debt from petitioner's salary, but reimbursed that amount to petitioner when she sought waiver of the debt from the DEA. The DEA denied the request for waiver, and now seeks to collect the debt.

Petitioner asserts that she should be relieved from the debt as the debt was the fault of the Government. While the Government may have been at fault for not timely processing the continuation of her health insurance, petitioner remains obligated in the amount of the debt. Petitioner's pay would have been reduced by the amount of the debt had the DEA sent her the correct form and properly processed the continuation of her insurance coverage, and she was covered by insurance and received the insurance benefits in the period when the DEA erroneously failed to pay her premiums. The DEA has sent a declaration certifying that the petitioner did not suffer a lapse in health insurance during the three pay periods when the premiums were not paid.

The petitioner owes the debt. If repayment of the debt in a lump sum is a hardship to petitioner, the agency and the petitioner should enter into a repayment schedule for partial payments until the debt is paid.



ALLAN H. GOODMAN
Board Judge