

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE DEPARTMENT OF AGRICULTURE

In re:)	
)	DA Docket No. 08-0009
)	
Vallire Scott)	
)	
Petitioner)	DECISION AND ORDER

On November 5, 2007 and on November 8, 2007, I conducted telephonic hearings on the Petition of Vallire Scott to determine whether the National Finance Center, United States Department of Agriculture, under 5 U.S.C. § 5514 and 7 C.F.R. § 3.51-3.68, may properly offset and make deductions from her bi-weekly salary for alleged overpayments of wages and leave. The alleged overpayments have been treated by the National Finance Center as valid debts presently owed to the United States Department of Agriculture by an employee because a worker's compensation claim filed by Mrs. Scott was denied, on June 18, 2007, by a Senior Claims Examiner for the U.S. Department of Labor, Employment Standards Administration, Office of Workers' Comp. Programs (DOL).

During the first telephonic hearing, Mrs. Scott explained that she has appealed the initial determination by the claims examiner and that her appeal is now pending. At the second hearing, Mrs. Scott read from a letter from DOL vacating the decision and remanding her claim for its more thorough consideration in compliance with controlling law. Therefore, it cannot be found that a valid debt is presently due and owed by Mrs.

Scott to the United States Department of Agriculture, and her petition is herewith GRANTED. Accordingly, the Notices of Intent to Offset Salary with Bill Dates of September 1, 2007 and September 16, 2007, are set aside and vacated. In the event, after exhaustion of all of her appeal rights, Mrs. Scott's workers compensation claim is denied, nothing in this decision and order shall be interpreted as barring new salary offsets as authorized by pertinent statutes and regulations.

Dated: _____

Victor W. Palmer
Administrative Law Judge