



adjudicator noted the absence of a retention incentive contract or other official documentation regarding the retention incentive aside from the SF-50 dated May 23, 2016, terminating the entitlement.

In her request for reconsideration, the employee describes the high tempo and stress of her work environment. She explains that when she was not on shift she simply was attempting to recover for the next shift. She states that she was never informed by email or verbally about the termination of retention incentive pay. She states that she never received the SF-50 issued on May 23, 2016, nor an email alerting her to the issuance of it. Therefore, she had no reason to believe that her retention incentive pay would expire.

### **Discussion**

Under 5 U.S.C. § 5584, we have the authority to waive collection of erroneous payments of salary an employee receives if collection would be against equity and good conscience and not in the best interests of the United States, provided there is no indication of fraud, misrepresentation, fault or lack of good faith on the part of the employee. We have consistently held that if an employee is furnished with documentation or information, which, if reviewed, would cause a reasonable person to be aware or suspect the existence of an error, but she fails to review such documents or otherwise fails to take corrective action, waiver will generally be denied. *See* DOHA Claims Case No. 2015-WV-050101.2 (August 26, 2015); and DOHA Claims Case No. 2011-WV-121602.2 (March 15, 2012).

In this case, the employee states that if she had received an email notifying her about the existence of the SF-50 issued on May 23, 2016, she would have assumed it related to her pay increase, not the termination of her retention incentive. Even if the employee did not receive notice by email of the SF-50 terminating her retention incentive, the record clearly reflects that it was posted to her electronic Official Personnel File (e-OPF) on May 23, 2016. We cannot stress enough the importance of a careful review by each employee of the pay data provided by the employing agency, including personnel actions documented to an employee's e-OPF. This pay data is specifically provided to the employee in order that they can verify the accuracy of their salary. Since the employee had access to her e-OPF, she was on notice as of May 23, 2016, that she was not entitled to retention incentive pay effective April 30, 2016. Under the circumstances, waiver is not appropriate.

## **Conclusion**

The employee's request for relief is denied, and we affirm the January 23, 2019, appeal decision to deny waiver in the amount of \$46,270.80. In accordance with Department of Defense Instruction 1340.23 ¶ E8.15, this is the final administrative action of the Department of Defense in this matter.

SIGNED: Catherine M. Engstrom

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Catherine M. Engstrom  
Chairman, Claims Appeals Board

SIGNED: Charles C. Hale

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Charles C. Hale  
Member, Claims Appeals Board

SIGNED: Ray T. Blank, Jr.

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Member, Claims Appeals Board