

DATE: December 19, 2006

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In Re:

[REDACTED]

Claimant

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Claims Case No. 06120801

## CLAIMS APPEALS BOARD

### RECONSIDERATION DECISION

#### DIGEST

Financial hardship is not a factor for consideration in determining whether a waiver is appropriate under 10 U.S.C. § 2774.

#### DECISION

##### Background

A retired Army service member requests reconsideration of the November 14, 2006, decision of the Defense Office of Hearings and Appeals (DOHA) in DOHA Claim No. 06110805. In that decision, DOHA waived \$496.81 of the member's \$17,678.57 indebtedness, and denied waiver of the remaining \$17,181.76. The member incurred this indebtedness as a result of an overpayment of pay and allowances, specifically receipt of pay and allowances after she had been released from active duty. On reconsideration, the member requests that we waive the remaining \$17,181.76 due to financial hardship, or alternatively, the interest on the debt.

##### Discussion

Financial hardship is not a factor for consideration in determining whether a waiver is appropriate under 10 U.S.C. § 2774. *See* Department of Defense Instruction 1340.23, ¶ E4.1.7. Review of the balance of the appeal decision indicates that the adjudicator's decision is reasonably supported by the record. The member should address her financial concerns to the Defense Finance and Accounting Service, the agency with authority over collections, to consider repayment arrangements. For that reason, any request concerning the interest on the debt also must be addressed to that agency.

##### Conclusion

The member's request for relief is denied, and we affirm the November 14, 2006, decision to deny waiver in the amount of \$17,181.76. In accordance with DoD Instruction

¶ E8.15, this is the final administrative action of the Department of Defense in this matter.

Signed: Michael D. Hipple

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Michael D. Hipple

Chairman, Claims Appeals Board

Signed: William S. Fields

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William S. Fields

Member, Claims Appeals Board

Signed: Catherine M. Engstrom

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Catherine M. Engstrom

Member, Claims Appeals Board