

Proper Procedures for Debt Collection Act Appeals,

Nonbargaining Unit (EAS) Employees

In order to keep our membership advised and to assure adherence to the critical time frames for petitioning for an oral hearing, the following guidelines that are contained in Employee and Labor Relations Manual [ELM] Section 450 and in the NAPS Officer Training Manual, Section 11, are published as a handy guide for meeting the Debt Collection appeals criteria

When the Postal Service issues a Letter of Debt Determination (sometimes called Letter of Demand), the "Options Available to Employee" (appeal rights) must be attached. If not, you must immediately request this list of options or appeal rights, in writing, in person, or both.

Request for Records. In accordance with Options Available, you must request from your postmaster or installation head, all documentation pertaining to your alleged debt, ***within 10 calendar days*** from receipt of Letter of Debt Determination. You should be provided with copies of records ***within 5 calendar days*** of the date your request is received by the Postal Service.

Review of Records. After review of documentation, you need to forward to appropriate official listed in Options Available form, your Request for Reconsideration. Your request must be received by the Postal Service ***within 15 calendar*** days from the date you received requested records.

You must submit Request for Reconsideration of Debt in writing to the postmaster or installation head, along with a written statement and supporting documentation indicating why you believe you are not indebted.

You should provide all information in your possession relating to the debt so that the postmaster or installation head may make an informed determination. The reason for this is because the postmaster or installation head will use the material you provide (along with postal records) in deciding whether the Postal Service's determination of the debt should be revised.

Response to Reconsideration request. Within 15 days, issuing official responds to Reconsideration request and will either grant or deny the request.

Involuntary Salary Offset. If the reconsideration is denied, the issuing office will issue a Notice of Involuntary Salary Offset. You then have ***15 calendar days*** to file a petition for an oral hearing. **The time frame of 15 days is critical.**

Petition for Hearing. To request a hearing on the Postal Service's determination of the existence or amount of the debt, or on the Postal Service's proposed involuntary offset schedule, you must file a written petition for a hearing with the RECORDER, JUDICIAL OFFICER DEPT, US POSTAL SERVICE, STE 600, 2101 WILSON BLVD, ARLINGTON, VA 22201-3078. Petition must be filed ***on or before the 15th calendar day following receipt of Involuntary Salary Offset.*** A timely request for a hearing will stay (delay) the commencement of the collection of the debt.

Important information that **must** be included in petition for an oral hearing:

1. **The words, “Petition for Hearing Under the Debt Collection Act,” prominently captioned at the top of the first page;**
2. **Your name and your**
3. **Work and home address, and**
4. **Work and home telephone numbers,**
5. **Or other address and telephone number where you may be contacted about the hearing proceedings;**
6. **The date you received the “Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act,” and**
7. **A copy of the Notice;**
8. **A statement requesting an oral hearing;**
9. **A statement of the evidence you will produce which makes an oral hearing necessary, including**
10. **A list of witnesses you wish to present, with their complete addresses;**
11. **The proposed city for the hearing site, with**
12. **Justification for holding the hearing in that city; and**
13. **Recommended alternative dates for the hearing, which should be within 40 days from filing the Petition;**
14. **Copies of all records in your possession which relate to the debt; and**
15. **If you as the petitioner contend that the Postal Service’s proposed offset schedule would result in a severe financial hardship on you and your spouse and dependents, submit:
An alternative offset schedule, and
A statement and supporting documents indicating for you and your spouse and dependents, for the 1 year preceding the Postal Service’s notice and for the repayment period you are proposing in your alternative offset schedule, your total income from all sources; assets; liabilities; number of dependents. You must also submit supporting documents indicating expenses for food, housing, clothing, transportation, medical care, and exceptional expenses, if any.**
16. **You may, if necessary, file with the Recorder, additional information as a Supplement to the Petition on or before the 30th calendar day following your receipt of the “Notice of Involuntary Administrative Salary Offset Under the Debt Collection Act.”**

You should keep your NAPS representative informed throughout this procedure. If you select Scialla and Associates, Inc. to represent you, **all of the information listed under 1 and 16 above** should be sent to Scialla Associates in a timely manner, and a petition will be filed by Scialla Associates.

Remember –

It is important that the time requirements be adhered to, and your NAPS representative be kept informed.

An oral hearing can only be requested after issuance of a Notice of Involuntary Salary Offset; the Postal Service cannot begin deducting any money without issuance of this notice.

The request for an oral hearing will delay any payroll deductions until the hearing has been concluded and a decision has been issued, either for or against you, the petitioner.