

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 26 February 2008

Case Number: 2008-DCA-00001

In the Matter of:

TAMMY CRAVEN,
Petitioner,

v.

UNITED STATES DEPARTMENT OF LABOR,
Respondent

ORDER GRANTING MOTION TO DISMISS

This case arises under the provisions of the Debt Collection Act of 1982, 5 U.S.C. § 5514 and the regulations issued thereunder at 29 C.F.R. § 20.74 et. seq.

By letter dated November 28, 2007, the United States Department of Labor (Respondent) notified Tammy Craven (Petitioner) of an alleged overpayment of compensation. Petitioner was afforded an opportunity to appeal the November 28, 2007, decision. Subsequently, Petitioner filed a Request for Hearing with the Office of Administrative Law Judges (Office) on December 19, 2007.

On January 29, 2007, this Office issued a Notice of Docketing. The parties were instructed to exchange and submit evidence supporting their position within thirty (30) days. On February 13, 2007, Respondent filed a Motion to Dismiss Salary Offset Proceeding. Respondent states that a determination on whether the overpayment may be waived has not been issued. Therefore, the Request for Hearing is premature. No objection has been received.

In light of the foregoing, the Motion to Dismiss is hereby GRANTED.

SO ORDERED,

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JOHN M. VITTONI
Chief Administrative Law Judge

Washington, D.C.

JMV/jsp