

**Forest Service Handbook
National Headquarters - Washington Office
Washington, DC**

**Forest Service Handbook 6509.11h – Service-Wide Claims Management Handbook
Chapter 20 - Administrative Claims for the Government**

Amendment: 6509.11h-1992-1

Effective date: September 04, 1992

Duration: This amendment is effective until superseded or removed.

Approved by:

Date approved:

Responsible Staff:

Last Change:

Superseded Document(s):

Digest:

29 - Exhibit 13

Claims Collection Litigation Report

29 - EXHIBIT 13 – IS A SEPARATE DOCUMENT

29 - Exhibit 14

Justification of Debt Write-Off

6570

July 1, 1989

Timber Trespass, Johnson 3/1/89

The File

Collections on the following debt within the Forest Supervisor's authority is hereby terminated in accordance with the Joint Regulations pursuant to the Federal Claims Collection Act of 1966.

Name of Debtor, Ben Johnson
Present Address: Benton, Tennessee 37307
Amount Due: \$48.65
Origin of Debt: Timber Trespass, 3/1/83

Ben Johnson cut 1.6 cords of sugar maple bolts from National Forest land in innocent trespass. He was contacted on numerous occasions in an effort to collect the amount due. In June 1989, the District Ranger visited Mr. Johnson at his residence. He found Mr. Johnson seriously disabled and unable to support his family of eight children. His wife is deceased.

All available information indicates he cannot pay.

The claims file documents that all appropriate administration collection measures were taken in accordance with Part 102 of the Joint Regulations.

/s/ JOHN SMITH
Forest Supervisor

29 - Exhibit 15

Request For Authorization to Terminate Collection Action

6570

July 1, 1989

Fire Trespass, Black, 4/20/83, Johnson's Creek Fire

Regional Forester

In accordance with the Joint Regulations pursuant to the Federal Claims Collection Act of 1966, authorization is requested to terminate collections on the following debt:

Name of debtor: Harvey Black

Present Address: R.R. #2, Benton, Tennessee 37307

Amount Due: \$6,665.50

Origin of Debt: Fire Trespass - 4/20/89

Mr. Black set fire to a field on his farm on April 20, 1989. The fire threatened Cherokee National Forest timber and Federal funds were spent to extinguish the fire. Mr. Black has admitted his responsibility; however, all available information indicates that he is unable to pay. Appropriate collections in accordance with Part 102 of the Joint Regulations has been taken.

Attached are copies of the following documents:

1. Ranger's trespass report - 5/2/89
2. Bill for Collection, with demand letter of 5/10/89
3. Follow-up demand letter of 6/10/89
4. Debtor's response of 6/18/89, indicating his inability to pay, with financial statement.
5. Ranger's memorandum to Forest Supervisor of personal interview with debtor of 7/1/89
6. Letter reflecting failure to compromise, 7/5/83

/s/ JOHN SMITH

Forest Supervisor

The above claim is approved for termination of collections and may be removed from Accounting Control.

Claims Officer

Date:

29 - Exhibit 16

Notice of Intent/Letter To Employee

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear _____:

The Forest Service has reviewed its records relating to (your loan, salary overpayment, etc.) and determined that you owe the United States \$_____. This debt is due to (insert origin and nature of the debt). We intend to collect this amount by offsetting your salary until the debt and any accumulated interest is paid in full. Deductions of 15 percent of your disposable income will begin with the first pay period occurring 30 days after the date of this letter and will continue until the debt is paid.

Interest will be assessed in accordance with FSH 6509.11h, section 24.1. The applicable rate of interest is ____ percent.

As a Federal employee, you have the following rights:

1. To inspect and copy Forest Service records relating to the debt.
2. To propose a repayment agreement as an alternative to salary offset.
3. To a hearing conducted by a USDA Administrative Law Judge or a hearing official from outside USDA. The hearing will consider the existence or the amount of the debt, and/or percentage of disposable pay to be deducted each pay period. The timely filing of a request for a hearing will stay collection proceedings.
4. To a final decision on the hearing at the earliest practical date, but no later than 60 calendar days after you file your hearing request.
5. To request a waiver of a salary overpayment under 5 U.S.C. 5584.

You may also question the amount or validity of a debt by submitting a claim to the Comptroller General in accordance with General Accounting Office procedures.

Any money that you pay or is deducted from your salary for the debt which is later waived or found not owed to the United States will be promptly refunded to you unless there are applicable contractual or salary provisions to the contrary.

Any knowingly false or frivolous statements, representations, or evidence may subject you to disciplinary procedures or civil or criminal penalties.

29 - Exhibit 16--Continued

If you wish to exercise any of the listed rights, you must request to do so within 30-calendar days of the date of this letter. Mail your request to:

(Insert Claims Officer or Personnel Officer address)

If you request a hearing, your request must state why you contest the existence or amount of the debt, or why the Forest Service repayment schedule will cause financial hardship. You should fully identify and explain in detail all the information and evidence that supports your position. If you would like reconsideration of the percentage of disposable income to be deducted, you should state your reasons.

Sincerely,

Enclosure

29 - Exhibit 17

Notice To Employee For Salary Offset Request
From Another Agency

Dear _____:

You have been identified by the Department of _____ as in debt to that Department in the amount of \$ _____. They asked us to withhold (15 percent of your disposable pay or the stated amount) each pay period to offset the indebtedness. The National Finance Center will begin withholdings during pay period ____ and continue deductions until the total amount has been collected.

This salary offset has been taken in accordance with the Debt Collection Act of 1982 and the Department of _____ salary offset regulations. If you have any questions or concerns about this action, you should contact the appropriate officials at the Department of _____ for further information.

Sincerely,

Personnel Officer