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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

Docket No. 16-0076

In re:

Louise Ball

Petitioner.

ORDER TO DISMISS PETITION

On March 8, 2016, Louise Ball (“Petitioner”) petitioned for a Hearing regarding a Notice of Overpayment of Salary and Demand for Payment pursuant to 5 CFR 550.1 104, 31 CFR Part 900-902, the Debt Collection Improvement Act of 1996, as amended, and existing agency regulations. USDA/National Agricultural Statistics Service represented by Vivian Brooks-Marshall, Chief, Human Resources Branch (“Respondent”). The Hearing Clerk for the Office of Administrative Law Judges (“OALJ”) for the United States Department of Agriculture (“Hearing Clerk”) sent notice of the Petition to Respondent by certified mail on March 9, 2016.

On May 18, 2016, Petitioner Ball sent an email to OALJ requesting that her Petition be Dismissed, since she had received an email from Respondent’s Headquarters, HQ OA-National Agricultural Statistics Service, dated April 26, 2016, alerting Petitioner of a Retirement Error Code Update asserting the following:

USDA Office of the General Counsel has now authorized NASS to pay the employee contribution to the Federal Employee Retirement System (FERS) for which you were being retroactively billed. This was a long and tedious path that has thankfully led us to a favorable outcome. As of now:

- All bills for employee insufficient contributions from the day you were hired until the error was corrected have been cancelled.
- If you do see another payroll deduction for retroactive payment, please contact Paulicia Cato (Paulicia.Cato@ARS.USDA.GOV) immediately so she can address the issue.

- You will be reimbursed for any retroactive payments you have made, whether through payroll deductions or through a lump sum payment.

You will not be back-billed further and you will be reimbursed for any payments you have made. Your current and future retirement contributions will continue to be at the corrected level as indicated by law based on your hiring date. It may take some time before you receive the reimbursement, as it will require actions by AFM, the National Finance Center, and others whose timing is outside NASS control. However, we wanted to notify you of this good news as soon as possible. We will continue to stay on top of the issue until each of your individual situations has been resolved.

Accordingly, it is hereby ordered that the petition is **DISMISSED** and the telephone conference scheduled for May 25, 2016, 10:30 A.M. ET (9:30 A.M. CT), is **CANCELLED**.

Copies of this Order shall be sent to the parties by the Hearing Clerk by regular mail.

So ORDERED this 19th day of May, 2016, at Washington, D.C.


Bobbie McCartney
Chief Administrative Law Judge

Kennedy, Marilyn - DM

From: Ball, Louise - NASS
Sent: Wednesday, May 18, 2016 3:54 PM
To: Kennedy, Marilyn - DM
Cc: Brooks, Vivian
Subject: 16-0076

Since receiving the email from HQ QA – NASS on April 26th, I am very pleased with the decision and I would like to have my petition #16-0076 dismiss.

Thank you for your help.

From: HQ OA - NASS
Sent: Tuesday, April 26, 2016 5:37 PM
To: NASS - HQ SES Members <HQ_SES_Members@nass.usda.gov>
Cc: Corley, Shiela - NASS <Shiela.Corley@nass.usda.gov>
Subject: Retirement Error Code Update - Some Good News

Dear Staff,

I am very pleased that we have some good news for you on the retirement withholding issue you have been so patient about. Please trust me when I say this process has been very difficult for all of us. The senior management at NASS considers our employees part of our work family and we would not be successful without each and every one of you. We were devastated when we learned of the retirement coding errors. When the news broke, many of you were informed directly and we were caught off-guard. As we received phone calls and e-mails, the magnitude of the problem quickly became very clear. However, this left us in a reactive mode. While the process to resolve the situation progressed with HR, we worked tirelessly to explore other avenues of repayment. Today, I can share that the USDA Office of the General Counsel has now authorized NASS to pay the employee contribution to the Federal Employee Retirement System (FERS) for which you were being retroactively billed. This was a long and tedious path that has thankfully led us to a favorable outcome. As of now:

- All bills for employee insufficient contributions from the day you were hired until the error was corrected have been cancelled.
- If you do see another payroll deduction for retroactive payment, please contact Paulicia Cato (Paulicia.Cato@ARS.USDA.GOV) immediately so she can address the issue.
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Again, our apologies that the error occurred at all. Thank you for your patience as we have worked to address the issue.

Sincerely,

Renee Picanso
Associate Administrator

Louise A. Ball, Statistical Assistant

U. S. Department of Agriculture | National Agriculture Statistics Service

National Operations Division |

Forms Processing Group

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