

CASE DIGEST: *U.S. Agency for Glob. Media*, 72 FLRA 447 (2021)
(Chairman DuBester dissenting)

In this case, the Authority reaffirmed that when an agency is determining whether to grant a debt waiver under 5 U.S.C. § 5584, it has sole and exclusive discretion to determine whether there is fraud, misrepresentation, fault, or lack of good faith on the part of the employee requesting the waiver. Accordingly, after the Agency exercised its sole and exclusive discretion to find that employees were at fault for not informing the Agency of substantial overpayments, the Authority held that a dispute about the denial of debt-waiver requests was not grievable and that the Arbitrator did not have jurisdiction under § 5584 to grant a debt waiver.

Chairman DuBester dissented, noting his continued disagreement with the majority's conclusion that 5 U.S.C. § 5584 grants agencies the sole and exclusive discretion to determine whether an employee was at fault for purposes of granting or denying a debt-waiver request.

This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.