

**CASE DIGEST:**     *NLRB*, 72 FLRA 133 (2021) (Chairman DuBester dissenting)

The Agency denied an employee's debt-waiver request because it found that she was not without fault for the overpayment that she received as the result of a premature promotion. An arbitrator found that the debt-waiver denial violated the parties' collective-bargaining agreement, and the Agency filed exceptions. The Authority found 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, the Authority held that the Agency's exercise of this discretion was not grievable, and set aside the award as contrary to law.

Chairman DuBester dissented, noting that nothing in § 5584 indicated that Congress intended the Agency's exercise of its discretion to grant a debt waiver to be unfettered or unreviewable.

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.