

§ 835.606

(3) Notify the debtor of its determination.

(b) *Notification to the debtor.* Following review of the evidence, OPM will issue a written decision notifying the debtor whether OPM has sustained, amended, or canceled its determination that the debt is past-due and legally enforceable. The notice will advise the debtor of any further action to be taken and explain the supporting rationale for the decision.

(c) *OPM action on the debt.* (1) OPM will notify the debtor of its intent to refer the debt to the IRS for offset against the debtor's Federal income tax refund, if it sustains its decision that the debt is past-due and legally enforceable. OPM will also notify the debtor whether the amount of the debt remains the same or is modified.

(2) OPM will not refer the debt to the IRS for offset against the debtor's Federal income tax refund, if it reverses its decision that the debt is past-due and legally enforceable.

§ 835.606 Change in notification to Internal Revenue Service.

(a) Except as noted in paragraph (b) of this section, after OPM sends IRS notification of an individual's liability for a debt, OPM will promptly notify IRS of any change in the notification, if OPM—

(1) Determines that an error has been made with respect to the information contained in the notification;

(2) Receives a payment or credits a payment to the account of the debtor named in the notification that reduces the amount of the debt referred to the IRS for offset; or

(3) Receives notification that the individual owing the debt has filed for bankruptcy under title 11 of the United States Code or has been adjudicated bankrupt and the debt has been discharged.

(b) OPM will not notify the IRS to increase the amount of a debt owed by a debtor named in OPM's original notification to the IRS.

(c) If the amount of a debt is reduced after referral by OPM and offset by the IRS, OPM will refund to the debtor any excess amount and will promptly notify the IRS of any refund made by OPM.

5 CFR Ch. I (1–1–03 Edition)

§ 835.607 Administrative charges.

All administrative charges incurred in connection with the referral of the debts to the IRS will be assessed on the debt and thus increase the amount of the offset.

PART 837—REEMPLOYMENT OF ANNUITANTS

Subpart A—General Provisions

Sec.

837.101 Applicability.

837.102 Definitions.

837.103 Notice.

837.104 Reemployment of former employees of nonappropriated fund instrumentalities.

Subpart B—Annuitant and Employee Status

837.201 Annuitant status.

837.202 Annuities that terminate on reemployment.

837.203 Annuities that are suspended during reemployment.

Subpart C—Coverage and Contributions

837.301 Coverage.

837.302 Agency contributions.

837.303 Annuity offset.

837.304 Agency liability for payments.

837.305 Lump-sum credit not reduced.

837.306 Refund of lump-sum credit.

Subpart D—Reemployment of Disability Annuitants

837.401 Generally.

837.402 Special notice.

837.403 Termination of annuity during reemployment.

837.404 Reinstatement of annuity during a period of employment not subject to CSRS or FERS.

Subpart E—Retirement Benefits on Separation

837.501 Refund of retirement deductions.

837.502 Reinstatement of annuity.

837.503 Supplemental annuity.

837.504 Redetermined annuity.

837.505 Cost-of-living adjustments on Member annuities.

837.506 Computation of redetermined annuity for former employees of nonappropriated fund instrumentalities.

Subpart F—Death Benefits

837.601 Generally.

837.602 Lump-sum payment of retirement deductions.