

## § 178.206

(b) *Claims involving minors or incompetents.* If a guardian or committee has been appointed for a minor or incompetent appearing entitled to unpaid compensation, the claim should be supported by a certificate of the court showing the appointment and qualification of the claimant in such capacity. If no guardian or committee has been or will be appointed, the initial claim should be supported by a statement showing:

- (1) Claimant's relationship to the minor or incompetent, if any;
- (2) The name and address of the person having care and custody of the minor or incompetent;
- (3) That any moneys received will be applied to the use and benefit of the minor or incompetent; and
- (4) That the appointment of a guardian or committee is not contemplated.

### § 178.206 Return of unnegotiated Government checks.

All unnegotiated United States Government checks drawn to the order of a decedent representing money due as defined in §178.202, and in the possession of the claimant, should be returned to the employing agency concerned. Claimants should be instructed to return any other United States Government checks drawn to the order of a decedent, such as veterans benefits, social security benefits, or Federal tax refunds, to the agency from which the checks were received, with a request for further instructions from that agency.

### § 178.207 Claims settlement jurisdiction.

(a) *District of Columbia and Government corporations.* Claims for unpaid compensation due deceased employees of the government of the District of Columbia shall be paid by the District of Columbia, and those of Government corporations or mixed ownership Government corporations may be paid by the corporations.

(b) *Office of Personnel Management.* Each agency shall pay undisputed claims for the compensation due a deceased employee. Except as provided in paragraph (a) of this section, disputed claims for money due deceased employees of the Federal Government will be

## 5 CFR Ch. I (1-1-03 Edition)

submitted to the Office of Merit Systems Oversight and Effectiveness, in accordance with §178.102 of subpart A. For example:

- (1) When doubt exists as to the amount or validity of the claim;
- (2) When doubt exists as to the person(s) properly entitled to payment; or
- (3) When the claim involves uncurrent checks. *Uncurrent checks* are unnegotiated and/or undelivered checks for money due the decedent which have not been paid by the end of the fiscal year after the fiscal year in which the checks were issued. The checks, if available, should accompany the claims.

(c) *Payment of claim.* Claims for money due will be paid by the appropriate agency only after settlement by the Office of Merit Systems Oversight and Effectiveness occurs.

[62 FR 68139, Dec. 31, 1997, as amended at 65 FR 40967, July 3, 2000]

### § 178.208 Applicability of general procedures.

When not in conflict with this subpart, the provisions of subpart A of this part relating to procedures applicable to claims generally are also applicable to the settlement of account of deceased civilian officers and employees.

## PART 179—CLAIMS COLLECTION STANDARDS

### Subpart A—General Provisions and Administration

Sec.

- 179.101 General collection standards.
- 179.102 Delegation of authority.

### Subpart B—Salary Offset

- 179.201 Purpose.
- 179.202 Scope.
- 179.203 Definitions.
- 179.204 Applicability of regulations.
- 179.205 Waiver requests and claims to the General Accounting Office.
- 179.206 Notice requirements before offset.
- 179.207 Hearing.
- 179.208 Certification.
- 179.209 Voluntary repayment agreement as alternative to salary offset.
- 179.210 Special review.
- 179.211 Notice of salary offset.
- 179.212 Procedures for salary offset.
- 179.213 Coordinating salary offset with other agencies.