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§844.404 Reinstatement of disability annuity.

(a) When a disability annuity stops, the individual must again prove that he or she meets the eligibility requirements in order to have the annuity reinstated.

(b) *Reinstatement of annuity terminated based on recovery.* (1) When a recovered disability annuitant under age 62 whose annuity was terminated because he or she was found recovered on the basis of medical evidence (§844.401) is not reemployed in a position subject to FERS, and, based on the results of a current medical examination, OPM finds that the disability has recurred, OPM will reinstate the disability annuity as provided in paragraph (d) of this section. The right to the reinstated annuity begins on the date of the medical documentation showing that the disability has recurred, or if the medical documentation clearly shows that the disability recurred on an earlier date, the annuity will be reinstated on that earlier date.

(2) Except in the case of an individual receiving an annuity under §844.404(b), OPM will, as provided in paragraph (d) of this section, reinstate the disability annuity of a former annuitant whose annuity was terminated because he or she was found recovered on the basis of Federal reemployment when:

(i) The results of a current medical examination show that the individual's medical condition has worsened since the finding of recovery and that the original disability on which retirement was based has recurred; and

(ii) As a result, he or she has been:

(A) Separated and not reemployed in a position subject to FERS; or

(B) Placed in a position that results in a reduction in grade or pay below that from which the individual retired, or in a change to a temporary or intermittent appointment. The right to the reinstated annuity begins on the date the reemployment ends or the effective date of the placement in the position that results in a reduction in grade or pay or change in appointment.

(c) *Reinstatement of annuity terminated because earning capacity was restored.* (1) OPM will reinstate the disability annuity as provided in paragraph (d) of this section when a disability annuitant whose annuity was terminated under §844.402(a):

(i) Is not reemployed in a position subject to FERS;

(ii) Has not recovered from the disability for which the individual retired (except in the case of a military reserve technician whose annuity was awarded under 5 U.S.C. 8456); and

(iii) Again loses earning capacity, as determined by OPM.

(2) The reinstated annuity is payable from January 1 of the year following the calendar year in which earning capacity was lost. Earning capacity is lost if, during any calendar year, the individual's income from wages or self-employment or both is less than 80 percent of the current rate of basic pay of the position held at retirement.

(d) Except as provided in §§844.303 and 844.304, a disability annuity reinstated under the preceding paragraphs of this section is paid at the rate provided under §844.302(b) until the end of the 12th month beginning after the annuity is reinstated. Thereafter, the rate determined under §844.302(c) is payable until age 62.

(e) Notwithstanding the preceding paragraphs, an annuity may not be reinstated under this section if the individual is receiving an annuity under part 842 of this chapter.

[55 FR 6598, Feb. 26, 1990. Redesignated and amended at 58 FR 48273, Sept. 15, 1993]

PART 845—FEDERAL EMPLOYEES RETIREMENT SYSTEM—DEBT COLLECTION

Subpart A—General Provisions

Sec.

845.101 Purpose.
845.102 Definitions.
845.103 Prohibition against collection of debts.
845.104 Status of debts.
845.105 Termination and suspension of collection actions.

Subpart B—Collection of Overpayment Debts

845.201 Purpose.
845.202 Scope.
845.203 Definitions.
845.204 Processing.
845.205 Collection of debts.
845.206 Collection by administrative offset.

845.207 Use of consumer reporting agencies.
845.208 Referral to a collection agency.
845.209 Referral for litigation.

Subpart C—Standards for Waiver of Overpayments

845.301 Conditions for waiver.
845.302 Fault.
845.303 Equity and good conscience.
845.304 Financial hardship.
845.305 Ordinary and necessary living expenses.
845.306 Waiver precluded.
845.307 Burdens of proof.

Subpart D—Agency Requests to OPM for Recovery of a Debt from the Civil Service Retirement Fund

845.401 Purpose.
845.402 Scope.
845.403 Definitions.
845.404 Conditions for requesting an offset.
845.405 Creditor agency processing for non-fraud claims.
845.406 OPM processing for non-fraud claims.
845.407 Installment withholdings.
845.408 Special processing for fraud claims.

AUTHORITY: 5 U.S.C. 8461.

SOURCE: 52 FR 5931, Feb. 27, 1987, and 52 FR 23014, June 17, 1987, unless otherwise noted.

Subpart A—General Provisions

§ 845.101 Purpose.

(a) This part regulates—

(1) The recovery of overpayments of FERS basic benefits;

(2) The standards for waiver of recovery of overpayments of FERS basic benefits; and

(3) The use of FERS basic benefits to recover debts due the United States.

(b) This subpart states the rules of general applicability to this part.

§ 845.102 Definitions.

In this subpart—

FERS means the Federal Employees Retirement System as described in chapter 84 of title 5, United States Code.

FERS basic benefits means any benefits payable under subchapter II, IV, or V of chapter 84 of title 5, United States Code.

Fund means the Civil Service Retirement Fund.

§ 845.103 Prohibition against collection of debts.

(a) Debts may be collected from FERS basic benefits only to the extent expressly authorized by Federal statute.

(b) When collection of a debt from FERS basic benefits is authorized under paragraph (a) of this section, the collection will be made in accordance with this part.

§ 845.104 Status of debts.

A payment by OPM to a debtor because of an OPM error or the failure of the creditor agency to properly and/or timely submit a debt claim under subpart D of this part, does not erase the debt or affect the validity of the claim by the creditor agency.

§ 845.105 Termination and suspension of collection actions.

The termination or suspension of a collection action, other than waiver of an overpayment under subparts B and C of this part, are controlled exclusively by the Federal Claims Collection Standards, chapter II of title 4, Code of Federal Regulations.

Subpart B—Collection of Overpayment Debts

§ 845.201 Purpose.

This subpart prescribes procedures to be followed by the Office of Personnel Management (OPM), which are consistent with the Federal Claims Collection Standards (FCCS) (Chapter II of title 4, Code of Federal Regulations), in the collection of debts owed to the Fund.

§ 845.202 Scope.

This subpart covers the collection of debts due the Fund, with the exception of the collection of court-imposed judgments, amounts referred to the Department of Justice because of fraud, and amounts collected from back pay awards in accordance with § 550.805(e)(2) of this chapter.

§ 845.203 Definitions.

In this subpart—

Additional charges means interest, penalties, and/or administrative costs owed on a debt.