



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for December 6, 2019

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NONPRECEDENTIAL COURT DECISIONS

Dillard v. Office of Personnel Management, No. 2019-2123 (Fed. Cir. Dec. 5, 2019) (MSPB Docket No. AT-831M-19-0266-I-1): The court affirmed the administrative judge's initial decision, which affirmed the reconsideration decision of the Office of Personnel Management (OPM) finding that the appellant received an overpayment of \$10,434.62 in Civil Service Retirement System annuity benefits. In the initial decision, the administrative judge found that OPM proved the existence of the overpayment because the appellant had received a refund for retirement deductions made during some of her service and subsequently received interim annuity payments, the calculation of which included service for which she had received a refund. The court agreed that OPM established the existence of the overpayment and it rejected the appellant's contention that OPM failed to meet its evidentiary burden of establishing that she had received her refund check.

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