



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Affiliated with the International Association of Machinists & Aerospace Workers, AFL-CIO

April 4, 2018

The Honorable James Mattis
Secretary of Defense
1000 Defense Pentagon - Room 3E880
Washington, D.C. 20301-1000
whs.pentagon.esd.mbx.cmd-correspondence@mail.mil

Dear Secretary Mattis:

As you are aware, the National Federation of Federal Employees Local 919 represents police officers at Camp Pendleton Marine Corps. Base. As you are further aware, a 2008 clerical error placed Camp Pendleton officers on an incorrect pay rate table, causing 65 officers to receive pay cuts of 25% per month and accrue approximately \$3 million (total) in payroll debts to the Agency. Because of your attention to our previous correspondence, the officers in question were placed on the corrected pay table beginning in May 2017.

However, the issue of back-pay debt remains to be resolved. For example, Officer Jose G. Torbol has received notice from the Defense Financial Accounting Services ("DFAS") that he owes **\$53,976.28** in back pay, for the Agency's mistake, for the period of October 11, 2008 through May 27, 2017. The Agency has notified Officer Torbol that it will deduct \$268.62 from his pay check, each pay period, until the full amount is repaid.

Under 5 U.S.C. § 5584 and 10 U.S.C. § 2774, debts arising out of the erroneous payments to the officers should be waived. Criteria for waiver of a debt includes a determination that there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the individual owing the debt or any other person interested in obtaining a waiver.

The indebtedness claimed by the Agency is causing widespread hardship within the ranks at Camp Pendleton, a department that already suffers from recruitment and retention problems because the Department of Defense (DoD) pays less than the surrounding civilian law enforcement agencies.

We understand that DFAS has suspended collection of the debts for now. However, because the officers at Camp Pendleton are in no way responsible for the debts claimed by the Agency, we ask you to direct the Agency to permanently waive each affected officers' payroll indebtedness fully, and without delay.

Sincerely,

Randy L. Erwin
National President
National Federation of Federal Employees,
IAMAW, AFL-CIO