



COLLECTION BY OFFSET: VA must collect debts owed the Government under VA programs. We will collect by withholding current or future VA benefits and insurance dividends or we may refer the debt to the Department of the Treasury for offset of most other Federal payments. VA conducts periodic computer matching to identify debtors who are Federal employees, military members or retirees, to obtain addresses of debtors from Federal tax returns and to alert Government-backed mortgage lenders of delinquent debts. Debtors' Federal pay and retirement benefits are subject to offset. Benefit checks not cashed within one year may be cancelled and applied to offset delinquent debts. VA will not reissue those checks.

RIGHT TO DISPUTE THE EXISTENCE OR AMOUNT OF THE DEBT: If you believe you do not owe the debt, or you feel the amount is incorrect, you have the right to dispute. To do so, you must explain, in writing, why you question the validity of the debt or the amount. If your benefits are scheduled for offset, you must write us within the next 30 days to avoid that action. If your dispute is received timely, we will suspend the offset action until we confirm that the debt is valid and the amount is correct. **If the delay required to resolve your dispute prevents us from collecting the full amount of the debt from your benefits, collection action will not be suspended.** If we determine that the debt and the amount are correct, you still have the right to appeal our decision to the Board of Veterans Appeals.

RIGHT TO REQUEST WAIVER OF THE DEBT: Under certain circumstances, we can grant a request to waive part or all of the debt. This means that you will not be required to pay the amount waived. Your request for waiver must be submitted in writing. You should explain any responsibility you had in causing the debt or why you believe you are not responsible. If you feel there are circumstances that show collection of the debt would be inequitable to you, or collection of the debt will cause you undue hardship, explain it in your request. To substantiate your financial hardship, you must complete the enclosed VA Form 5655, Financial Status Report, and submit it with your waiver request. **You have 180 days from the date of this letter to submit your request.** A VA service representative at your nearest VA regional office can assist you in preparing your waiver request and supporting documentation.

NOTE: *Waiver of an Education benefit overpayment will not restore the program entitlement you used by receiving the benefits that caused the debt. Only payment of the debt, in full, can restore entitlement.*

EFFECT OF WAIVER REQUEST ON WITHHOLDING OF BENEFITS: If we notified you that we plan to withhold your benefits, we must receive your request for waiver within 30 days of the date of our notice, to prevent the withholding. If your request is not received timely, the scheduled offset will occur and continue while your waiver request is being considered. If a waiver is granted, any amounts withheld will be refunded.

ORAL HEARING ON WAIVER REQUEST: You may request an oral hearing to present evidence or argue any point in connection with your waiver request. If you want a hearing, you should request it when you submit your request for waiver. This will allow us to schedule the hearing before we make a decision on your waiver request. If you request a hearing, we will notify you of the date, time and place where the hearing will be held. You may bring witnesses, and all testimony will be entered into the record. We will furnish a hearing room, provide hearing officials, and prepare a written transcript of the proceeding. We cannot bear any other expense for the hearing.

REPRESENTATION: An accredited representative of a veterans' organization or other service organization recognized by the Secretary of Veterans Affairs may represent you, without charge. You may employ an attorney to assist you, for example, an attorney in private practice or a legal aid attorney. The services of an attorney representing you in adjudicative proceedings before VA are subject to a fee limitation as set forth in 38 U.S.C. 5904. If you desire representation and have not already designated a representative, let us know and we will send you the necessary forms. If an attorney or accredited agent represents you before VA, a copy of any agreement between you and the attorney or accredited agent about the payment of the attorney's or agent's fees must be filed at the following address: Counsel to the Chairman (01C3), Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420.