

SECTION .1000 - TREASURY OFFSET PROGRAM

04 NCAC 24B .1001 NOTICE TO CLAIMANT OF REFERRAL TO TOP

(a) Consistent with 31 U.S.C. 3716, DES shall notify the claimant by mail of its intent to refer the debt to the Treasury Offset Program (TOP) at least 60 days before submitting the debt to TOP.

(b) The notice shall include:

- (1) the claimant's name;
- (2) the type of debt;
- (3) the total amount of the referred debt;
- (4) the total amount of the claimant's debt owed to DES;
- (5) the total amount of fees, as applicable;
- (6) the amount of assessed penalties, as applicable;
- (7) a citation to the legal authority that permits collection of the debt through TOP;
- (8) a statement of DES's intention to collect the debt through administrative offset;
- (9) a statement that the claimant may request a copy of DES's records that support the debt;
- (10) a statement of the claimant's right to request that DES reevaluate the debt;
- (11) the time period and procedure for requesting a reevaluation pursuant to 04 NCAC 24A .0104(j);
- (12) a statement that failure to request a reevaluation within the required time shall result in referral of the debt;
- (13) a statement of the claimant's right to request to enter into a written repayment agreement with DES;
- (14) instructions for paying the debt;
- (15) a mailing address where payments shall be sent;
- (16) a mailing address and facsimile number to request a reevaluation of the debt;
- (17) a telephone number for the claimant to seek information regarding the notice; and
- (18) the date that the notice was mailed to the claimant.

(c) Claimants choosing to repay the debt after receiving notice shall make payment to DES in accordance with 04 NCAC 24A .0104(z).

History Note: Authority G.S. 96-4; 96-18; 31 CFR 285; 31 U.S.C. 3716;
Eff. July 1, 2015;
Amended Eff. July 1, 2018.