

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES**PART III - EMPLOYEES****Subpart G - Insurance and Annuities****CHAPTER 81 - COMPENSATION FOR WORK INJURIES****SUBCHAPTER I - GENERALLY****§ 8129. Recovery of overpayments**

- (a) When an overpayment has been made to an individual under this subchapter because of an error of fact or law, adjustment shall be made under regulations prescribed by the Secretary of Labor by decreasing later payments to which the individual is entitled. If the individual dies before the adjustment is completed, adjustment shall be made by decreasing later benefits payable under this subchapter with respect to the individual's death.
- (b) Adjustment or recovery by the United States may not be made when incorrect payment has been made to an individual who is without fault and when adjustment or recovery would defeat the purpose of this subchapter or would be against equity and good conscience.
- (c) A certifying or disbursing official is not liable for an amount certified or paid by him when—
- (1) adjustment or recovery of the amount is waived under subsection (b) of this section; or
 - (2) adjustment under subsection (a) of this section is not completed before the death of all individuals against whose benefits deductions are authorized.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 546.)

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
5 U.S.C. 788.		Sept. 7, 1916, ch. 458, § 38, 39 Stat. 749.
Oct. 14, 1949, ch. 691, § 206, 63 Stat. 864.		

In subsection (a), the words “Subject to the provisions of sections 786 and 787 of this title” and “if any” are omitted as surplusage.

In subsection (c), the word “official” is substituted for “officer” as the definition of “officer” in section 2104 excludes a member of a uniformed service.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.