

**SECTION .1100 –TREASURY OFFSET PROGRAM AND EMPLOYER SETOFF DEBT COLLECTION**

**04 NCAC 24D .1101 NOTICE TO EMPLOYER OF REFERRAL TO TOP**

(a) Consistent with 31 U.S.C. 3716, DES shall notify the employer 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 employer's name;
- (2) the type of debt;
- (3) the total amount of the referred debt;
- (4) the total amount of the employer'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 employer may request a copy of DES's records that support the debt;
- (10) a statement of the employer'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(k);
- (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 employer'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 employer to seek information regarding the notice; and
- (18) the date that the notice was mailed to the employer.

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

*History Note:* Authority G.S. 96-4; 96-9.15; 96-18; 31 CFR 285; 31 U.S.C. 3716;  
Eff. July 1, 2018.