



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

THE GENERAL COUNSEL

MEMORANDUM

TO: Assistant General Counsel
Business and Administrative Law Division

FROM: The General Counsel

SUBJECT: Designation as Claims Officer and Delegation of Authority

I. DELEGATION

Under the authority vested in the General Counsel by a delegation of authority from the Secretary, delegation EA/EG/40, certified on April 26, 1989, I designate you Department's Claims Officer and delegate to you the authority to perform the functions vested in me by the following statutes:

1. The Federal Tort Claims Act, 28 U.S.C. 2671 et seq.;
2. The Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 3701, 3721;
3. 5 U.S.C. 5584, authorizing waiver of claims arising out of erroneous payment of pay to employees of the Department.
4. 31 U.S.C. 3702, governing the settlement of claims.

In carrying out the delegated authority, you are authorized to perform all necessary administrative functions, including the issuance of procedures and instructions for the handling of claims under these statutes and regulations promulgated thereunder.

II. RESERVATIONS

Unless otherwise noted, the following are not delegated:

1. The authority to promulgate regulations;

2. The authority to compromise, terminate or suspend collection action on claims under the Federal Claims Collection Act of 1966 as amended, 31 U.S.C. 7511, et seq.;
3. The authority to award contracts or discretionary grants; and
4. Unless otherwise provided by law, the authority to submit reports to Congress or the President;

III. REDELEGATION

No further redelegation is authorized.

IV. CERTIFICATION AND EFFECTIVE DATE

This delegation is effective upon certification by the Department's Principal Delegations Control Officer and supersedes delegation EG/EGR3/114.

I hereby ratify actions within the scope of this delegation taken by the Assistant General Counsel, Business and Administrative Law Division, prior to the date of certification.

/s/

Charles P. Rose

OGC Clearance and Date: /s/ Tracey Sasser, 10/22/2010

Certified Date: 10/22/2010

Departmental Delegations Control Officer: /s/ Naty G. Beetle

Control Number: EG/EGR3/121