

§ 1095g. TRICARE program: waiver of recoupment of erroneous payments caused by administrative error

(a) Waiver of Recoupment.—The Secretary of Defense may waive recoupment from an individual who has benefitted from an erroneous TRICARE payment in a case in which each of the following applies:

- (1) The payment was made because of an administrative error by an employee of the Department of Defense or a contractor under the TRICARE program.
- (2) The individual (or in the case of a minor, the parent or guardian of the individual) had a good faith, reasonable belief that the individual was entitled to the benefit of such payment under this chapter.
- (3) The individual relied on the expectation of such entitlement.
- (4) The Secretary determines that a waiver of recoupment of such payment is necessary to prevent an injustice.

(b) Responsibility of Contractor.—In any case in which the Secretary waives recoupment under subsection (a) and the administrative error was on the part of a contractor under the TRICARE program, the Secretary shall, consistent with the requirements and procedures of the applicable contract, impose financial responsibility on the contractor for the erroneous payment.

(c) Finality of Determinations.—Any determination by the Secretary under this section to waive or decline to waive recoupment under subsection (a) is a final determination and shall not be subject to appeal or judicial review.

NOTES

Source

(Added Pub. L. 114-92, div. A, title VII, §711(a), Nov. 25, 2015, 129 Stat. 864.)

