

DOCUMENT RESUME

07798 - [C3148256] (Restricted)

[Entitlement to Military Leave As a Civilian Employee of the Naval Facilities Engineering Command]. E-191880 (HID). November 8, 1978. 2 pp.

Letter to Capt. George W. Schlossnagle; by Herbert I. Dunn, Attorney-Adviser, Office of the General Counsel.

Contact: Office of the General Counsel: Personnel Law Matters I.
Organization Concerned: Department of the Navy: Naval Facilities Engineering Command, Charleston, SC.
Authority: 31 U.S.C. 74. 31 U.S.C. 82d. 5 U.S.C. 6323. 5 U.S.C. 5534. =4 C.F.R. 31. 51 Comp. Gen. 23. 51 Comp. Gen. 26.



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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548
P. 17

OFFICE OF GENERAL COUNSEL

B-191390 (HID)

NOV 8 1978

Captain George W. Schlossnagle
DET 1 Headquarters ADTC/ECA
Tyndal AFB, Florida 32403

Dear Captain Schlossnagle:

We refer to your letter dated March 22, 1978, with enclosures, concerning your request for our opinion as to whether you are entitled to fifteen (15) days of military leave as an employee of the Naval Facilities Engineering Command, Charleston, South Carolina.

Pursuant to statute, disbursing officers, heads of executive departments, certifying officers and claimants whose claims have been disallowed are entitled to a formal decision by the Comptroller General of the United States, 31 U.S.C. 74 and 82d. As you do not solicit an opinion in one of these capacities, this Office will not provide you with a binding decision in this matter at this time. However, the following information may be helpful.

Under the provisions of 5 U.S.C. 6323, military reservists and members of the National Guard who are civilian employees of the Federal Government are entitled to not in excess of 15 days of leave for use when they are called to active duty or required to perform certain training duties. Also the provisions of 5 U.S.C. 5534, applicable to reservists and National Guardsmen, authorize annual leave with pay in kind and military pay over the same period of time without regard to the dual compensation statutes. We point out that the fifteen (15) days of military leave authorized for civilian employees by the provisions of 5 U.S.C. 6323, apply to reservists serving on active duty, as well as active duty for training. 51 Comp. Gen. 23, 26. However, from the information which you have provided us, we are unable to determine if you have a valid claim against the Naval Facilities Engineering Command.

Although we are aware that your request has been initially denied by the Comptroller, Naval Facilities Engineering Command,

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your appeal should be pursued with the Department of the Navy, rather than with our Office, as it does not appear that you have exhausted your administrative appeal process. If the final agency resolution is not satisfactory to you, you should request the Department of the Navy to submit your claim to the Claims Division of the General Accounting Office. 4 C.F.R. 31.4 (1978).

We hope that this information will be of some assistance to you.

Sincerely yours,



Herbert I. Dunn
Attorney-Adviser
Personnel Law