

**U.S. Office of Personnel Management  
Compensation Claim Decision  
Under section 3702 of title 31, United States Code**

**Claimant:** [name]

**Organization:** [agency component]  
U.S. Marine Corps  
[installation & State]

**Claim:** Improper debt collection

**Agency decision:** N/A

**OPM decision:** Denied; Lack of jurisdiction

**OPM file number:** 13-0011

/s/ Judith A. Davis for

---

Robert D. Hendler  
Classification and Pay Claims  
Program Manager  
Merit System Audit and Compliance

5/3/13

---

Date

The claimant is currently employed in a [position] with the U.S. Marine Corps. In his January 10, 2013, letter received by the U.S. Office of Personnel Management (OPM) on January 11, 2013, the claimant seeks "an investigation and inquiry into [his] pay issue and that [he] be given a full explanation of the validity of [his] pay deductions and the claimed WIGI [within grade increase] debt." We received additional information from his employing agency on January 29, 2013. For the reasons discussed herein, the claim is denied.

On July 31, 2012, the claimant states he noted a \$594.68 deduction from his pay. After several inquiries, he states he discovered that the Defense Finance and Accounting Service (DFAS) had conducted an audit which revealed he owed the government money for receiving improper within-grade increases from 2008-2011. He states:

I have repeatedly requested an explanation and documentation from DFAS and Human Resources at [installation]...regarding these wrongful WIGIs but I have received no answers from DFAS and no documentation which proves that I owe this debt.

\* \* \* \* \*

I hereby respectfully ask that an investigation and inquiry into my pay issue and that I be given a full explanation of the validity of my pay deductions and the claimed WIGI debt.

OPM adjudicates compensation and leave claims for Federal employees under section 3702(a)(2) of title 31, United States Code (U.S.C.). This authority is narrow and limited to consideration of whether monies or leave are owed the claimant for the stated claim. The scope of OPM's authority under 31 U.S.C. 3702(a)(2) does not extend to conducting investigations and inquiries at the behest of individuals, as the claimant appears to believe.

Moreover, section 7121(a)(1) of title 5, U. S. C., directs that except as provided elsewhere in the statute, the grievance procedures in a negotiated collective bargaining agreement (CBA) shall be the exclusive administrative remedy for resolving matters that fall within the coverage of the CBA. The Court of Appeals for the Federal Circuit has found the plain language of 5 U.S.C. § 7121(a)(1) to be clear, and as such, limits the administrative resolution of a Federal employee's grievance to the negotiated procedures set forth in the CBA. *Mudge v. United States*, 308 F.3d 1220, 1228 (Fed. Cir. 2002). Further, the Federal Circuit also found that all matters not specifically excluded from the grievance process by the CBA fall within the coverage of the CBA. *Id. at 1231*. As such, OPM cannot assert jurisdiction over the compensation or leave claims of Federal employees who are or were subject to a negotiated grievance procedure (NGP) under a CBA between the employee's agency and labor union for any time during the claim period, unless the matter is or was specifically excluded from the CBA's NGP. *See* 5 CFR 178.101(b).

The CBA between Marine Corps Base, [installation], and the International Association of Firefighters, Local [number], covering the claimant during the period of the claim, does not specifically exclude compensation issues from the NGP (Article 13). Therefore, this claim must

be construed as covered by the NGP the claimant was subject to during the claim period, and OPM has no jurisdiction to adjudicate this claim.

This settlement is final. No further administrative review is available within OPM. Nothing in this settlement limits the claimant's right to bring an action in an appropriate United States court.