

Compensation and Leave Claim Decision
Under section 3702 of title 31, United States Code

Claimant: [name]

Organization: [agency component]
Department of the Navy
[city & State]

Claim: Back pay from 2000, leave, overtime,
raises, and payment of doctor's bills

Agency decision: N/A

OPM decision: Denied; Lack of jurisdiction

OPM file number: 09-0027

//Judith A. Davis for

Robert D. Hendler
Classification and Pay Claims
Program Manager
Center for Merit System Accountability

4/2/2009

Date

The claimant states he is a former civilian employee of the [agency component] in [city & State]. The claimant's January 8, 2007, letter, which fails to identify the intended recipient, was received by the U.S. Office of Personnel Management (OPM) on January 17, 2007. Claimant seeks workers' compensation benefits from the time the claimant asserts he "was illegally fired" from his "WG-9 5th step Aircraft Painter" job in 2000. The claimant also seeks payment for doctor's bills, and "leave, OT, raises, pay" for the same reasons. Claimant also states the Office of Workers' Compensation offices in Jacksonville, Florida, and London, Kentucky, seem to not be able to understand the facts of his case. For the reasons discussed herein, the claim is denied for lack of subject-matter jurisdiction.

The claimant provided a copy of a September 7, 2000, letter from the U.S. Department of Labor (DoL), Employment Standards Administration, Office of Workers' Compensation Programs (OWCP), Division of Federal Employees' Compensation, Jacksonville, Florida, District Office to Senator John Edwards concerning two claims submitted by the claimant: one claim for occupational asthma and one claim for a skin disorder. Claimant also provided a December 26, 2006, letter with no identified recipient in which claimant stated he "retired from OPM in 2001." Claimant further states he was not receiving proper OWCP benefits, including his "loss of overtime," restates he was "illegally fired" as previously described in this decision, and asks that OPM's Retirement Operations Center or OPM headquarters be contacted regarding OWCP's failure to provide the claimant with his benefits.

Part 178 of title 5, Code of Federal Regulations (CFR) concerns the adjudication and settlement of claims for compensation and leave performed by OPM under the provisions of section 3702(a)(2) of title 31, United States Code (U.S.C.). Section 178.102(a)(3) of title 5, CFR requires an employing agency to have already reviewed and issued an initial decision on a claim before it is submitted to OPM for adjudication. Based on the information submitted, we find no record of the claimant having filed a claim with his former employing agency or having received a written agency-level decision. Therefore, claimant has not presented a valid claim. However, we may render a decision on this matter based on jurisdictional grounds.

OPM's authority under 31 U.S.C. § 3702 is narrow and limited to the adjudication of compensation and leave claims. Section 3702 does not include the authority to review the propriety of claimant's purported termination. Accordingly, OPM has no jurisdiction to adjudicate the claimant's pay claim.¹ The claimant's attempt to obtain worker's compensation benefits through OPM intervention is similarly misplaced. The Federal Employees' Compensation Act, as amended, codified in 5 U.S.C. chapter 81 is administered by the U.S. Department of Labor (DoL).

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.

¹ Although not germane to our settlement of this claim, we note that, contrary to claimant's assertions in his December 26, 2006, letter, information from OPM's retirement staff indicates the claimant was not terminated, but retired on disability effective March 17, 2001, from the Department of the Navy, not from OPM.