

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

**Claimant:** [name]

**Organization:** [agency component]  
U.S. Postal Service  
[city & State]

**Claim:** Back Pay

**Agency decision:** N/A

**OPM decision:** Claim Denied; Lack of Jurisdiction

**OPM file number:** 07-0046

/s/

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

10/16/2007

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Date

The claimant is employed by the United States Postal Service (USPS). In his September 3, 2007, letter he appears to request the U.S. Office of Personnel Management (OPM) to direct USPS to provide him back pay for a period of indefinite suspension based on State criminal charges which were eventually dismissed. For the reasons discussed herein, we do not have jurisdiction to consider this claim.

OPM does not have any authority to investigate or settle claims made against an agency which has independent settlement authority under the law. The applicable law in this case, section 2008(c) of title 39, United States Code, states:

Subject only to the provisions of this chapter, the Postal Service is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Postal Service.

This statutory provision authorizes USPS to consider and settle all claims made against it. Therefore, we do not have the authority to consider or settle this claim.

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