



United States
**Office of
Personnel Management**

Washington, DC 20415-0001

In Reply Refer To

Your Reference

Date: December 9, 2003

Claimant: [name]

File Number: 04-0004

OPM Contact: Deborah Y. McKissick

On October 27, 2003, the Center for Merit Systems Compliance, formerly the Merit Systems Oversight and Effectiveness, of the U.S. Office of Personnel Management (OPM) received a compensation claim from [claimant]. The claimant is a former employee of the District of Columbia government. The claimant is requesting compensation for unpaid severance pay under section 5595 of the Title 5 of the United States Code (U.S.C). For the reasons discussed herein, we do not have jurisdiction to adjudicate this claim.

Under 31 U.S.C § 3702, OPM's authority is limited to the settlement of "claims involving Federal civilian employees' compensation and leave," and does not extend to claims for compensation and leave that have been filed against the District of Columbia government. Moreover, a claim against the District of Columbia is not a claim against the United States because the District of Columbia government is a legal entity separate and distinct from the United States government. 36 Comp. Gen. 457 (1956); 1 Comp. Gen. 451 (1922); *Corrie Sue Freeman*, B-199477 (May 3, 1982); *Hedin Construction Corp.* B-168704 (Jan. 16, 1970). Accordingly, we may not consider this claim because we do not have jurisdiction to settle claims against the District of Columbia government.

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.