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

[name]
U.S. Postal Service
Leave Buy Back
N/A
Denied; Lack of Jurisdiction
Robert D. Hendler
07-0012

/s/ Robert D. Hendler

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

2/9/2007

Date

The claimant was employed by the United States Postal Service (USPS). In her undated letter, which we are treating as a leave claim, she seeks investigation of the denial of her request to buy back annual leave. We received the claim request on December 28, 2006. For the reasons discussed herein, we do not have jurisdiction to consider this claim.

The claimant asks the Office of Personnel Management (OPM) to investigate the USPS' denial of her request to buy back annual leave for what appears to be a period of time she was absent from work and was receiving workers' compensation. OPM does not have any authority to investigate or settle claims made against an agency that 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 regulatory provision authorizes the USPS to consider and settle all claims that have been 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.