

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

Claimant: [name]

Organization: [agency component]
NATO Maintenance and Supply Agency

Claim: Living Quarters Allowance

Agency decision: Denied

OPM decision: Denied; Lack of jurisdiction and
lack of standing

OPM file number: 10-0023

//Judith A. Davis for

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

5/18/10

Date

In his March 3, 2010, claim request received by the U.S. Office of Personnel Management (OPM) on March 10, 2010, the claimant asks OPM to reconsider his eligibility for living quarters allowance (LQA) which was denied by the Headquarters, U.S. Army, Europe, Civilian Personnel Directorate. In his March 20, 2010, email responding to OPM's March 19, 2010, request for clarification regarding his employment status, the claimant confirmed he is currently employed by the North Atlantic Treaty Organization (NATO). The March 3, 2010, agency-level claim denial that found the claimant ineligible for LQA stated:

Our review and the CPOC [Civilian Personnel Operations Center] eligibility determination in this case, of course, do not preclude your acceptance of a potential job offer with any organization serviced by the CHRA-E without LQA. Should you accept a job offer and believe¹ that our determination is erroneous, you may appeal the LQA denial to the Office of Personnel Management (OPM) as any appeals on decisions rendered by the USAREUR G1, Civilian Personnel Directorate concerning LQA must be directed to the OPM for adjudication. Further information on the appeals processes with the OPM may be found at <http://www.opm.gov/payclaims/index.asp>.

For the reasons discussed herein, the claim is denied for lack of jurisdiction and lack of standing.

Section 3702(a)(2) of title 31, United States Code (U.S.C.) states: "The Director of the Office of Personnel Management shall settle claims involving Federal civilian employees' compensation and leave." Therefore, the plain and unambiguous language of the statute makes clear the claim may only be filed by or on behalf of a Federal civilian employee or former Federal civilian employee. Since the claimant was not and is not a Federal employee, he has no standing to file a claim, and this claim must be denied for lack of jurisdiction.

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 Acceptance of a job offer is not sufficient to establish standing as discussed in this decision.