

**U.S. Office of Personnel Management
Compensation and Leave Claim Decision
Under section 3702 of title 31, United States Code**

Claimant: [name]

Organization: [agency component]
Department of the Army
Baumholder, Germany

Claim: Removal of 5 day suspension and back pay

Agency decision: N/A

OPM decision: Denied; Lack of jurisdiction

OPM file number: 11-0006

//Judith A. Davis for

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

6/30/2011

Date

The claimant occupies [position] with the [agency component], Department of the Army, in Baumholder, Germany. He seeks to file a compensation claim to have “the suspension...removed from [his] official record and be paid for the week [he] served [under suspension].” The U.S. Office of Personnel Management (OPM) received the claim on November 29, 2010. For the reasons discussed herein, the claim is denied for lack of jurisdiction.

Pursuant to section 178.102(a) of title 5, Code of Federal Regulations (CFR), a claim must be submitted by claimant in writing and must be signed by the claimant. Although the claimant has failed to sign his name on his claim request, we may nevertheless render a decision and deny the claim based on lack of jurisdiction.

OPM has authority to adjudicate compensation and leave claims for many Federal employees under the provisions of section 3702(a)(2) of title 31, United States Code (U.S.C.). However, the authority in section 3702 is narrow and limited to the adjudication of compensation and leave claims. Section 3702 does not include the authority to review Federal civilian employee suspensions. Therefore, OPM may not rely on 31 U.S.C. § 3702(a)(2) as a jurisdictional basis for reviewing agency suspension actions of 14 days or less.

The claimant also seeks to challenge his suspension as a prohibited personnel practice. This also removes his request from our jurisdiction as such issues are not reviewable under the claims settlement provisions of 31 U.S.C. § 3702(a)(2).

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.