

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

Claimant: [name]

Organization: [private company]
Kuwait City, Kuwait

Claim: Living Quarters Allowance

Agency decision: Denied

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

OPM file number: 10-0022

//Judith A. Davis for

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

May 21, 2010

Date

In his March 10, 2010, claim request received by the U.S. Office of Personnel Management (OPM) on March 16, 2010, the claimant asks OPM to reconsider his eligibility for living quarters allowance (LQA) which was denied by the U.S. Army Civilian Human Resources Agency Europe Region. The March 3, 2010, agency-level claim denial that found the claimant ineligible for LQA stated:

For the reasons shown above, we are unable to grant you LQA under DSSR Section 031.12a and b. If you believe that our determination of your ineligibility for LQA is incorrect you may appeal the decision to the Office of Personnel Management, 1900 E Street NW, Room 6484, Washington DC 20415. Please refer to <http://www.opm.gov/payclaims/index.asp> for further information regarding claims procedures.

We received the agency administrative report (AAR) on April 28, 2010. 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 a claim may only be filed by or on behalf of a Federal civilian employee or former Federal civilian employee. As part of the AAR, we requested a copy of the claimant's latest Notification of Personnel Action Form (SF-50). The April 28, 2010, AAR states the claimant "is still employed as a contractor with SAIC and therefore does not have a Notification of Personnel Action Form (SF-50) on file." 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.