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United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-183038

August 29, 1979

The Honorable Robert E. Bauman
House of Representatives

Dear Mr. Bauman:

*[Request for Additional Compensation With
Back pay
Allowance]*

This is in response to your letter of June 22, 1979, to Mr. Daniel Leary of our Claims Division, concerning your constituent, Mrs. Evelyn Slowick.

Mrs. Slowick's case was closed by a letter dated April 17, 1978, when the General Counsel informed Mrs. Slowick that she was not entitled to additional compensation. No further action is contemplated in this matter. The quote in Mrs. Slowick's letter to you dated May 29, 1979, indicating that the General Counsel is giving further consideration to her case is taken from a Certificate of Settlement issued by our Claims Division on July 8, 1977. The letter of April 17, 1978, was the result of that further consideration. It appears that Mrs. Slowick became confused by the fact that a copy of the Certificate of Settlement was enclosed with the letter of April 17, 1978. She apparently misunderstood and believed that we informed her on April 17, 1978, that her case was still under consideration.

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We are enclosing copies of the above correspondence as well as a copy of a subsequent letter to you from our Office of Congressional Relations dated May 11, 1978, which responded to your inquiry of May 5, 1978. With that letter you forwarded a letter from Mrs. Slowick dated April 27, 1978, wherein she seems to have expressed a belief that this Office had discriminated against her because of her age. This apparently is because in our decision, Matter of Evelyn S. Slowick, B-183038, May 9, 1975, (copy enclosed), in which we awarded her back pay consisting of the difference between the salary she received from the District of Columbia and the salary she would have received in the Canal Zone, the back pay ended at the time she would have been mandatorily retired by the Canal Zone Government June 30, 1969, at age 62. The early retirement of Canal Zone employees is required



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by the provisions of section 8335, title 5, United States Code. The time period for which Mrs. Slowick received back pay ended while she was still employed by the District of Columbia, since the District does not require early retirement. However, this Office had no authority to award Mrs. Slowick back pay for any period after the date she would have been forced to retire had she still been employed by the Canal Zone.

Early retirement statutes, have been upheld by the Supreme Court in Vance v. Bradley, 47 U.S.L.W. 4176 (February 22, 1979). There, [22 U.S.C. § 1002], which requires foreign service officers to retire at age 60 when other civil service employees, including those stationed overseas, are not required to retire at age 60, was held not to violate the equal protection section of the Fifth Amendment's due process clause.

If we may be of further assistance, please have a member of your staff contact Charles L. Browne III at 275-6404.

Sincerely yours,

Jerry K. Van Cleave
for Milton J. Socolar
General Counsel

Enclosures