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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-193337

DATE: JAN 4 1979

MATTER OF: Filomeno Q. Ortiz - [Request for Retirement
Pay Under U.S. Civil Service Retirement System]

- DIGEST:
1. Former non-citizen Navy employee in Philippines is not entitled to retirement annuity based on various periods of service from 1939 to 1970 since he was not covered by United States Civil Service Retirement System and was paid lump-sum payment upon his retirement in 1970 as provided by Collective Bargaining Agreement of July 28, 1969.
 2. Request for review of Civil Service Commission denial of Filipino national's application for retirement annuity based on service during period 1939-1945 because claimant had been charged with collaborating with enemy and abandoning position with Navy in Philippines is denied. Civil Service Commission has exclusive jurisdiction over the computation and payment of civil service annuities.

This action is a reconsideration of Settlement Certificate No. Z-1198881 issued by the Claims Division of our Office disallowing the claim of Mr. Filomeno Q. Ortiz for retirement pay under the U.S. Civil Service Retirement System.

The record indicates that Mr. Ortiz was employed in various positions by the Department of the Navy from 1939 to 1970 in the Philippine Islands. Mr. Ortiz, who stated that he received only "severance pay" on his retirement in 1970, submitted a claim for retirement pay to the Claims Division. After an administrative report from the Navy Regional Finance Center was received, the Claims Division disallowed the claim on the grounds that Mr. Ortiz was only entitled to a lump-sum retirement payment and that he was never covered by the U. S. Civil Service Retirement System. Mr. Ortiz appeals the disallowance. He specifically alleges that he is entitled to an annuity for service from 1939 to 1945 because the Civil Service Commission (CSC) improperly denied his application for a retirement annuity on the grounds that he collaborated with the Japanese during World War II.

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As a Filipino national employed by the United States Government in the Philippines, Mr. Ortiz' eligibility for retirement benefits was governed by the Collective Bargaining Agreement of July 28, 1969. The record indicates that Mr. Ortiz received a lump-sum retirement payment pursuant to the agreement. There is no allegation or proof that Mr. Ortiz did not receive the proper amount due. Accordingly, no further amount under the agreement is allowable. B-180952, December 23, 1974.

As stated above Mr. Ortiz claims that he is entitled to a retirement annuity under the U.S. Civil Service Retirement System based on employment for the period 1939 through 1945. He asks us to review a denial of his application for a retirement annuity by the Civil Service Retirement Commission on the grounds that he had worked for the Japanese during World War II and had abandoned his position. Mr. Ortiz denies that he willingly collaborated with the Japanese and presents several arguments which he claims supports his claim for a retirement annuity based on service during 1939-1945. The question of what constitutes creditable service for purposes of the Civil Service Retirement Act is a matter of discretion for the CSC. It has exclusive jurisdiction over the computation and payment of civil service annuity. 25 Comp. Gen. 631, 633 (1945); 41 id. 460, 463 (1962); and 52 id. 526, 530 (1973). Since the final decision of the CSC is determinative, the reconsideration request does not present any reviewable matters within our jurisdiction.

Upon review of the record before us on reconsideration, we find that the settlement by our Claims Division of October 5, 1977, was correct and it is hereby sustained.

R. F. KELLER

Deputy, Comptroller General
of the United States