



NC-CP 374
UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548
Released

OFFICE OF GENERAL COUNSEL

B-203203

November 20, 1981

Mr. James H. Holt, President
American Federal Government Employees
Inter Departmental - Local 1953
Post Office Box 6207
March Air Force Base, California 92518

Dear Mr. Holt:

5 U.S. Code 6323 note

This is in response to your recent letter asking whether the Air Force is correctly interpreting a subsection of Public Law 96-431, October 1, 1980, 94 Stat. 1850. ~~X~~ This Public Law amended section 6323(a) of title 5, ~~X~~ United States Code, which relates to military leave for Federal employees.

Your specific question concerns the effective date of the new carryover provision for military leave under Public Law 96-431 ~~X~~ This law added the following sentence at the end of 5 U.S.C. § 6323(a): ~~X~~

"* * * Leave under this subsection accrues for an employee or individual at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year."

Your interpretation is that any military leave earned but unused in fiscal year 1980 may be carried over into fiscal year 1981. The Air Force's position is that the carryover provision does not apply for unused 1980 leave but only to unused leave in fiscal year 1981 and thereafter.

Your question was answered in B-203203, ~~X~~ November 2, 1981, and the answer is that "the first time an employee may carry over unused military leave is from fiscal year 1981 to fiscal year 1982." This is explained on page 2 of B-203203, ~~X~~ November 2, 1981 (copy enclosed).

We trust that this information is responsive to your inquiry.

Sincerely yours,

~~Edwin J. Monsma~~

Edwin J. Monsma
Assistant General Counsel

Enclosure

LEAVES OF ABSENCE

Civilians on military duty

Military leave carryover provision

Effective October 1, 1980
