



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

B-177462

JAN 8 1973

Reno, Nevada 89502

Dear

This refers to your letter addressed to our Claims Division, which was received in this Office November 1, 1972, concerning your claim for sick leave you were denied at the time you were separated from your position at Pueblo Ordnance Depot, Pueblo, Colorado, in 1945.

In an effort to determine the merits of your claim we requested a report on the matter from the Department of the Army. From that report it is clear that the denial of your application for terminal sick leave was based on an administrative determination that your physical condition at the time did not warrant its approval. Such a determination was entirely in accordance with the established principle that the approval or disapproval of an application for sick leave is within the discretion of an administrative agency. Accordingly, we find no error in the action taken with respect to your sick leave in 1945 which would justify the administrative office to restore you to the rolls for the purpose of payment of sick leave.

Insofar as the jurisdiction of our Office to consider your claim is concerned, the act of October 9, 1940, 54 Stat. 1061, bars our consideration of those claims not received in our Office within 10 full years after accrual. Your claim accrued in 1945. A copy of the act is enclosed.

31 VSC
7/A

Sincerely yours,

R.F.KELLER

Deputy Comptroller General
of the United States

Enclosure

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