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DECISION



Charles Browne
Civ. Pers.
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-186957

DATE: February 9, 1977

MATTER OF: Felipe Lagnas - Overtime Compensation

DIGEST: Philippine national employed as security guard at U.S. Naval Base in Philippines seeks overtime compensation for preshift muster and late relief resulting from use of Government transportation. In identical case involving same administrative report, B-118417, December 3, 1974, we disallowed appeal of fellow guard. Facts show that international agreements and U.S. law require Navy to pay overtime in conformance with local practice. Local practice in Philippines is not to pay overtime for muster and late relief. Certificate of settlement affirmed.

By a letter dated April 5, 1976, Mr. Felipe Lagnas, a Philippine national, appealed Certificate of Settlement No. Z-2415686, issued October 20, 1972, by our Transportation and Claims Division (now Claims Division) which disallowed his claim for overtime compensation. The claim based on muster time and late relief arose incident to his employment as a civilian security guard at the U.S. Naval Base, Subic Bay, Philippines, from the time he was hired to the present.

Mr. Lagnas is claiming 45 minutes daily for muster and late relief for the period of his employment as a civilian security guard. He contends that the guards were required to report for duty prior to the beginning of their assigned shifts so that they could stand inspection, be advised of any special instructions, and draw their weapons. In addition, he contends that, because of the transportation arrangements, the relief guards were usually late in arriving at their posts. He estimated that the preshift duties amounted to about 15 minutes per day and the late relief time was about 30 minutes per day.

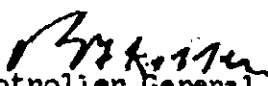
In B-118417, December 3, 1974, we considered the appeal of a certificate of settlement issued to a fellow guard of the claimant, based on identical facts including the same administrative report. The facts in that decision (copy enclosed) show that the Navy under applicable laws, regulations, treaties, and employment agreements pays overtime in conformity with local practice and that

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local practice in the Philippines is not to pay guards for muster and transportation time. Thus, we found in B-118417, supra, that the Navy's wage practices in the Philippines were in conformity with local practice and disallowed the employee's claim for over-time compensation.

Since the claim of Mr. Lagnas is based on identical facts and since the Navy used the same administrative report for B-118417, supra, and the instant case, we find the rationale of B-118417, supra, stated above, to be dispositive of the appeal of Mr. Lagnas.

Accordingly, the certificate of settlement disallowing Mr. Lagnas' claim is affirmed.


Deputy Comptroller General
of the United States