



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: David A. Faurot - Interest-Free Period -
Civil Service Retirement System

File: B-230854

Date: September 1, 1988

DIGEST

An agency may not set an employee's interest-free period for deposit into the Civil Service Retirement System for post-1956 military service beyond the date set by statute. Where a statutory provision is unambiguous and its directions specific, its plain meaning may not be altered or extended by administrative action.

DECISION

This decision is in response to a request as to whether the Fish and Wildlife Service may set February 16, 1986, as the beginning date of the interest-free period for deposit into the Civil Service Retirement System for post-1956 military service for an agency employee, David A. Faurot.^{1/} We hold that the agency may not do so since the applicable dates are set by statute.

Briefly stated, the facts are that Mr. Faurot was granted a temporary appointment with the Fish and Wildlife Service on April 14, 1985, after a break in service of 3 years. Mr. Faurot had sufficient prior civilian service to vest him in the Civil Service Retirement System, and, in addition, he had 9 years active duty service with the United States Coast Guard. Mr. Faurot became a career employee with the agency on February 16, 1986.

Under the provisions of 5 U.S.C. § 8334(j)(2) (Supp. IV 1986), a civilian employee with post-1956 military service may receive a credit for this service under the Civil Service Retirement System by making a deposit to the credit

^{1/} The request was sent in by the Regional Director, United States Department of the Interior, Anchorage, Alaska.

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of the fund. The statutory language which provides for an interest-free period is specific, and it states that:

"(2) Any deposit made . . . more than two years after the later of--

(A) October 1, 1983; or

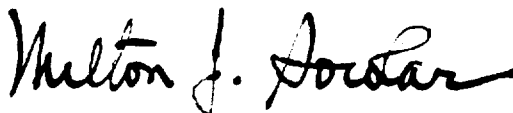
(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the two-year period. . . ."

Mr. Faurot made his decision when he would make payment of his deposit based upon his understanding that his interest-free period began on February 16, 1986, when he was reinstated to a permanent appointment with the agency. The agency recognizes the specificity of the language; however, the agency recommends a change in the date because of initial confusion by the agency regarding the implementation of the statute.

Mr. Faurot first became employed in a position subject to the Civil Service Retirement System prior to the October 1, 1983, date specified in the statute. Therefore, he would have 2 years from October 1, 1983, to make an interest-free deposit. Where a statutory provision is unambiguous and its directions specific, its plain meaning may not be altered or extended by administrative action. 56 Comp. Gen. 943, at 949 (1977), and cases cited. Thus, we find no authority to waive the statutory provision.

Accordingly, the agency's request to change the interest-free period to a date other than that set by statute is denied.

for 
Comptroller General
of the United States