



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

31027

B-178549

June 6, 1973

Mrs. Evelyn Frances Thomas  
Route 6, Box 526 A  
Greensboro, North Carolina 27405

Dear Mrs. Thomas:

Reference is made to your letter postmarked March 19, 1973, which will be treated as a request for review of the settlement of our Transportation and Claims Division dated February 1, 1973, Z-2479172 by which your claim for payment for annual leave incident to your employment in the Federal Government was disallowed.

Your claim is based upon your recollection of your employment history including the periods of leave you recall having taken. You have not furnished records, formal or informal, which could be relied upon as reflecting accurately the facts involved. The Transportation and Claims Division requested a report from the Veterans Administration, the last Federal agency for which you worked, regarding your leave. Although we were not furnished records of the leave you earned or took that agency reported that you received lump-sum payments for unused annual leave when you were separated on December 18, 1954, to cover 131 hours of leave. Again upon separation on June 5, 1957, after a short period of reemployment, you received a lump-sum payment for 36 hours of unused annual leave. Since lump-sum payments are based upon agency records of annual leave earned and taken the Veterans Administration concluded that you had taken in kind or received payment for all the annual leave you had earned. Your claim for an additional payment for annual leave was disallowed on the basis of that administrative report.

If there is any discrepancy between your recollections and the administrative report of the facts which are based upon official records, our Office must accept as controlling the reported facts as submitted by the administrative agency in the absence of clear and convincing evidence to show that those facts are not accurate. See 16 Comp. Gen. 325 (1936); 19 id. 83 (1939).

Since you have not submitted any substantial evidence to overcome the presumption of correctness of the administrative report, the action of our Transportation and Claims Division of February 1, 1973, by which your claim was disallowed must be sustained.

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As to the information you requested with regard to rates at which annual leave is earned by Federal employees, you are advised that under 5 U.S.C. 6303 full time-employees accrue annual leave at the following rates:

1. Employees with less than 3 years of Federal service earn 4 hours of annual leave for each biweekly pay period.

2. Employees with at least three but less than 15 years of Federal service earn 6 hours of annual leave for each biweekly pay period except for the last full pay period when such employees earn 10 hours of annual leave.

3. Employees with 15 or more years of Federal service earn 8 hours of annual leave for each biweekly pay period.

See also Federal Personnel Manual, chapter 630, subchapter 3-1, copy enclosed.

We trust that the information provided will be of assistance to you.

Sincerely yours,

Paul G. Dombing

For the Comptroller General  
of the United States