

**DECISION**

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

Grone  
Rm II  
31415

**FILE:** B-217172**DATE:** June 12, 1985**MATTER OF:** Robert D. Healy**DIGEST:**

A certifying officer requests a decision on the computation of overtime backpay awarded by an arbitrator pursuant to a collective bargaining agreement. In the absence of a request for an advisory opinion under 4 C.F.R. § 22.5 or a joint request from both parties, this matter is more appropriately resolved under the procedures authorized by 5 U.S.C. Chapter 71. Thus, the Comptroller General declines jurisdiction.

A certifying officer with the U.S. Customs Service has requested a decision on the computation of overtime backpay awarded to Mr. Robert D. Healy by an arbitrator.<sup>1/</sup> From the information in the submission, it appears that the arbitration award was issued pursuant to a collective bargaining agreement, and the union and the agency have disagreed as to the proper procedure for calculating the employee's overtime backpay.

Since this matter concerns a dispute over the implementation of an arbitration award, in the absence of a request for an advisory opinion pursuant to 4 C.F.R. § 22.5, or a joint request from the parties based upon a mutually agreed upon statement of facts, the matter is not appropriate for decision by this Office. See 4 C.F.R. § 22.7; American Federation of Government Employees, Local 2459, 62 Comp. Gen. 274 (1983); and Portsmouth Naval Shipyard, B-212632, October 4, 1983. If the parties cannot reach an agreement, the matter is more appropriately resolved through the procedures authorized by 5 U.S.C. Chapter 71. See 4 C.F.R. § 22.8; Headquarters, U.S. Army Communications Command, et al., Fort Hauchuca, Arizona, 2 FLRA 785, 789

<sup>1/</sup> The matter was submitted by Walter G. Lobisser, Chief, Accounting Branch, U.S. Customs Service, Boston, Massachusetts.

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(1980); and U.S. Army Health Clinic, Fort Richie, Maryland and NFFE Local 1153, 9 FLRA 935 (1982).

Accordingly, in the absence of a request for an advisory opinion from an arbitrator or other neutral pursuant to 4 C.F.R. § 22.5, or a joint request from the parties for a decision based upon a mutually agreed upon statement of facts pursuant to 4 C.F.R. § 22.7(b), we decline to assert jurisdiction at this time.

*for Milton J. Jacobson*  
Comptroller General  
of the United States