



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-241816

November 20, 1990

Randy W. Hoffman
NAGE Local R12-33
P.O. Box 877
Point Hueneme, CA 93044

Dear Mr. Hoffman:

We refer to your letter of October 12, 1990, requesting a decision concerning the issue of the accumulation of annual leave for firefighters employed at the Pacific Missile Test Center, Point Mugu, California.

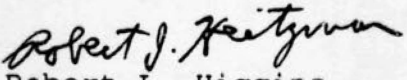
We cannot issue an opinion on the matter at this time for several reasons. This Office issues decisions to head of labor organizations on matters which are of mutual concern to both agencies and labor organizations. However, such request must, among other things, comply with our service requirements as to notice to all interested parties. 4 C.F.R. § 22.4 (1990). See also, 4 C.F.R. § 22.3.

More importantly though, the issue you have presented concerning computation of leave based on a firefighter's extended tour of duty is now before the United States Claims Court in Theodore Abbott, et al. v. United States, 90-756C, and Leonard Adams, et al. v. United States, 90-3867C. It is a longstanding policy of this Office not to act on matters which are in the courts during the pending of litigation because the eventual outcome of the litigation may resolve the matter. William C. Ragland, 62 Comp. Gen. 399 (1983); 58 Comp. Gen. 282 (1979). Therefore, we decline to comment on the issue you have presented at this time even if your submission had been in compliance with our regulations.

In the event that the plaintiffs are successful in this case and no further appeals are contemplated, you may, if you wish, file a claim with your employing agency with the request that if the claim is denied that it be forwarded to this Office in accordance with 4 C.F.R. part 31, or in the alternative,

4 C.F.R. part 22. We are furnishing you with a copy of the cited regulations for your information.

Sincerely yours,

for 
Robert L. Higgins
Associate General Counsel

Enclosures