



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-217172 DO NOT MAKE AVAILABLE TO PUBLIC READING  
FOR 30 DAYS

May 19, 1986

The Honorable Brian Donnelly  
Member, United States  
House of Representatives  
47 Washington Street  
Quincy, Massachusetts 02169

Dear Mr. Donnelly:

This is in response to your letter of March 20, 1986, concerning the status of a request by the U.S. Customs Service, Boston, for an advance decision of the Comptroller General regarding the appropriate method to compute the backpay due your constituent, Mr. Robert Healy.

According to your letter from Mr. William R. DeReuter, Executive Assistant to the Assistant Secretary of the Treasury, a member of the Customs Service called the General Accounting Office in January 1986 and was advised that processing of the request for advance decision had been delayed because of a case backlog. This information was incorrect. On June 12, 1985, we issued the decision, Robert D. Healy, B-217172 (copy enclosed). In that decision, we declined to assert jurisdiction over the backpay matter because it was subject to arbitration under the procedure authorized in 5 U.S.C. Chapter 71. As explained in the decision, the Comptroller General does not decide questions which are subject to the arbitration process unless an arbitrator or both parties to the proceeding make the request.

We informed Mr. DeReuter that the decision had been issued and forwarded a copy of it to him. He told us that he will make sure that the Customs Service in Boston gets a copy of the decision.

We regret that you received erroneous information about this case and trust the information provided here will enable you to respond adequately to Mr. Healy.

Sincerely yours,

Harry R. Van Cleve  
General Counsel

Enclosure