



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON 25

ND

B-138890

FEB 22 1959

L (C.P.)

Dear Mr. [REDACTED]

On February 17, 1959, you requested review of our Claims Division's disallowance of your claim for military leave in excess of 15 calendar days in the calendar year 1958.

The record shows you were granted 15 calendar days' military leave from your civilian position for the period July 1 through July 15, 1958. You say you began active duty under military orders on July 1 and continued in that status through July 23, the first four days and the last four days participating in a motor convoy to and from the training site in Michigan. Apparently, you believe that the exception underscored in the excerpt quoted below from page Ll-54 (formerly page Ll-52.02) of the Federal Personnel Manual should operate to entitle you to more than 15 calendar days' military leave for that period of active duty:

"(7) Time taken on a work day to travel to the place where the training is to begin must be either annual leave or leave without pay unless military orders encompass the period of travel time required."

The time you spent on motor convoy to and from your place of training was encompassed in your orders and, in fact, your military leave began with the first day of such travel. However, that section of the manual cannot have the effect of increasing the maximum number of days' military leave granted by law. The statute, 5 U.S.C. 307, grants only 15 days' military leave in any one calendar year to an employee, regardless of the number of days he actually spends on active duty under military orders during that year. Also, the rule is well established that military leave must be charged on a calendar rather than work-day basis, 27 Comp. Gen. 245.

Therefore, since you were granted 15 days' military leave in the calendar year 1958, the disallowance of your claim for additional days must be sustained.

Very truly yours,

[REDACTED]

Comptroller General
of the United States