

DECISION



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

FILE: B-183916

DATE: MAR 8 1976

60611
98513

MATTER OF: Donald W. Plaskett - Overtime Compensation

DIGEST: Disallowance of claim for 157 hours of overtime is sustained as overtime was not ordered or approved and it must be officially ordered or approved before reimbursement can be made. See 5 U. S. C. § 5542(a) and cited cases.

By a letter dated June 19, 1975, Mr. Donald W. Plaskett appealed the Certificate of Settlement issued by our Transportation and Claims Division (now Claims Division) which disallowed Mr. Plaskett's claim for 157 hours overtime. The overtime occurred between July and December of 1973 while Mr. Plaskett was employed as a medical administrator, GS-301-14, with the Defense Attache Office of the Embassy of the United States of America in Saigon, Vietnam. The claim was disallowed as the overtime was not "officially ordered or approved" as is required by 5 U. S. C. § 5542(a) (Supp. III, 1973).

The record shows that Mr. Plaskett worked for the Defense Attache Office from March 1973 to June 1974. From March through June 1973 he was located within the Resources Management Branch. In July 1973 he was transferred to the Support Division, under the direction of Mr. Richard D. DeSando, GS-15. One of the duties Mr. Plaskett performed as medical administrator was coordinating mede-vac pickups. This function involved responding to requests from the U. S. Embassy's chief physician to arrange a mede-vac within a time frame that had been established jointly by hospital personnel and chief physician. The overtime in question is claimed for work performed in coordinating mede-vacs.

Mr. Plaskett requested block authorization for overtime in July 1973. This request was denied. Afterwards the claimant annotated his time card noting work performed but did not specifically request authorization from his supervisor on a case by case basis. On February 11, 1974, Mr. Plaskett filed a formal grievance which involved inter alia his request for overtime. The Examiner's Report, released April 4, 1974, recommended that Mr. Plaskett be paid for 4 hours of overtime per week which he had been ordered to work on Saturdays, but did not recommend that his claim for the irregular overtime in question here be paid, as it had not been officially ordered or approved. The Examiner's Report further recommended continuation of a management-initiated study of mede-vac cases to determine if approval of additional hours of overtime was warranted. Mr. Plaskett

B-183916

was paid for overtime recommended by the Examiner's Report. The management-initiated study, conducted by Mr. DeSando, Chief of the Support Division and Mr. Plaskett's supervisor, concluded that the overtime in question here was not authorized or approved. On July 7, 1974, the Defense Attache Office denied Mr. Plaskett's claim for overtime based on said study. Thereafter, the claim was submitted to our Transportation and Claims Division which issued the disallowance now being appealed.

Subsection (a) of 5 U. S. C. § 5542 (Supp. III, 1973), the statute governing overtime for Federal employees requires that the overtime must be "officially ordered or approved" in order for the employee to be reimbursed. The record is clear that the overtime in question was not officially ordered or approved. In addition, we find nothing in the record before us which indicates that the officials who were authorized to approve overtime activity induced or demanded performance of the overtime claimed here. The mere knowledge of overtime without official inducement is not sufficient to support recovery of overtime compensation in the absence of an order approving or authorizing overtime by a competent official. B-178933, December 20, 1973.

Accordingly, since the record shows that the overtime performed was not ordered or approved as required by law, we must sustain the disallowance of Mr. Plaskett's claim.

R. F. KELLER

~~Account~~ Comptroller General
of the United States