

DECISION



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

FILE: B-194971

DATE: 60955

JUN 4 1976

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MATTER OF: Donald Pittman - Leave transfer between agencies -
Payment for compensatory time

DIGEST: Although there is no definite time for filing request for reconsideration of settlement certificate, request received more than 27 years after date of settlement is not a timely request. Furthermore, request does not state basis for requested reconsideration. Accordingly, legal review of settlement will not be made.

This matter concerns a claim submitted by Donald Pittman for payment for annual leave and compensatory leave for overtime. The claim was the basis of Settlement Certificate No. 2674985, issued by our Claims Division on August 20, 1947.

The claim is for payment of 27 days of annual leave and 50 days of compensatory leave for overtime accrued to Mr. Pittman as an employee of the War Department. The record shows that the claimant resigned from the War Department on December 27, 1942, to accept a position with the Post Office Department, with a reporting date of December 28, 1942. The record also shows that Mr. Pittman was separated from the Post Office Department on January 20, 1944, and was not subsequently employed by the Government.

Section 6 of Executive Order No. 8384, dated March 29, 1943, was cited in our settlement certificate as the basis for the failure to credit the leave to Mr. Pittman. That section provides;

"An employee transferred or appointed without break in service from one permanent, emergency, or indefinite position within the purview of said act of March 14, 1936, to another position or employment in the Federal service which is not within the purview of that act, shall be credited with all leave accumulated or accrued on the date of such transfer or appointment at such time as he may be subsequently retransferred or reappointed to a position within the purview of that act, provided such subsequent retransfer or reappointment is also without break in service."

Since officers and employees of the Post Office Department were not within the purview of the act of March 14, 1936, our Claims Division concluded that leave could not be credited to Mr. Pittman.

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Our Claims Division further concluded that there was no authority of law whereby payment for any part of the compensatory time claimed could be allowed.

We have no record of any appeal of this settlement prior to Mr. Pittman's claim received July 7, 1975. Under our regulations, 4 C.F.R. 32.1 (1975), review of settlements is discretionary with the Comptroller General. This Office has generally required that requests for review be submitted within a reasonable time. See B-164373, April 20, 1976, and decisions cited therein. Without attempting to strictly define what is a reasonable time, a request for reconsideration submitted more than 27 years after the date of settlement is not considered a timely request. Furthermore, our regulations, 4 C.F.R. 32.2 (1975), state that applications for review of claim settlements should state the errors which the applicant believes have been made in the settlement. Mr. Pittman's letter merely states that he still believes that he should be reimbursed for at least the annual leave.

Since Mr. Pittman's letter was not timely received and does not state the basis for the requested reconsideration, we will not conduct a full legal review of the settlement.

MILTON SOCOLAR

Acting Comptroller General
 of the United States