



15324

Mr. Eisen

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

SSA

512650

In reply refer to  
B-198732

October 28, 1980

[REDACTED]  
The Honorable George M. White, FAIA  
Architect of the Capitol

Dear Mr. White:

This is in further reference to your letter of May 2, 1980, concerning application of 5 U.S.C. 5533 to [REDACTED]. Your letter concerns [REDACTED] concurrent employment with your agency and with the District of Columbia.

The basic issues presented were dealt with in [REDACTED], B-195783, October 2, 1980, copy enclosed, issued in response to your earlier decision request involving another employee. For the reasons indicated in the [REDACTED] case, it would appear that [REDACTED] employment was in violation of 5 U.S.C. 5533(c)(1) for the period from December 16, 1979, until the date she was placed in a leave-without-pay status with your agency.

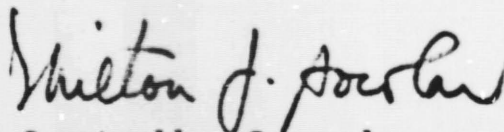
Your letter states that [REDACTED] held her position with the government of the District of Columbia for several months before her appointment with your agency. As indicated in the [REDACTED] case, this sequence of events raises a presumption of intent to abandon her position with the District of Columbia. Insofar as this presumption is not rebutted, the matter should be referred to the government of the District of Columbia for collection or waiver, as appropriate. If, on the other hand, the presumption of abandonment is rebutted by circumstances such as her continued employment with the District of Columbia while in a leave-without-pay status with your agency, it would be appropriate for your agency to institute collection action or to consider the matter of her indebtedness for waiver under 5 U.S.C. 5584.

Because the legal issues were resolved in [REDACTED] we believe it would be appropriate for your agency, in conjunction with the government of the District of Columbia, to determine the source and amount of her indebtedness. Although we are closing our file at this time, we would be glad to consider the matter upon your further request if there is doubt as to its proper resolution. In the event

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██████████ is found to be indebted to your agency for in excess of \$500, we would of course entertain a waiver request under the standards and procedures set forth at 4 C.F.R. Parts 91 and 92.

Sincerely yours,

A handwritten signature in cursive script, reading "Milton J. Fowler".

Acting Comptroller General  
of the United States

Enclosure