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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-203974

September 21, 1981

Mr. Enos V. Slocum
900 Adams Avenue
Scranton, Pennsylvania 18501

Dear Mr. Slocum:

This is in response to your request dated July 2, 1981, for a determination whether your full-time training duty and annual training under 32 U.S.C. 503 (1976) is military service creditable to your Civil Service retirement. A decision of the Comptroller General will not be provided pursuant to that request, but the following information and references may be of assistance to you.

Your letter stated that you are employed under the provisions of the National Guard Technicians Act of 1968, Public Law 90-486, 82 Stat. 755, August 13, 1968, 32 U.S.C. 709 (1976). You do not indicate the dates of your employment, but inquire if military service under 32 U.S.C. 503 (1976) is creditable to your Civil Service retirement prior to Public Law 90-486, becoming effective and thereafter.

Paragraph S3-5b, Inst. 27, May 15, 1978, Federal Personnel Manual Supplement 831-1, provides in pertinent part as follows:

"(3) National Guard service is creditable only under the following circumstances:

- "(a) When performed under a 'call' by the President when the organization is activated into the U.S. Army or Air Force.
- "(b) When an employee, who is a member of the National Guard, is ordered to serve on active duty or active duty for training as a member of the Army National Guard or the Air National Guard of the United States, which are reserve components of the armed forces of the United States, pursuant to

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orders issued under the following authority:

- "(i) Section 233(d), Armed Forces Reserve Act of 1952, effective January 1, 1953.
- "(ii) A provision of title 10, United States Code, effective August 10, 1956.
- "(iii) Section 511(c) of title 10, United States Code, effective September 3, 1963. These are enlisted members, without prior military service, of the Army National Guard or the Air National Guard of the United States who were called to an initial period of active duty for training of no less than four months.

"(4) National Guard service or training periods are not creditable under the following circumstances:

- "(a) When performed before January 1, 1953, and not directly under a 'call' by the President of the United States.
- "(b) When called for duty solely by the Governor of a State.
- "(c) When performed exclusively for a State under section 316 or sections 502 to 505, title 32, United States Code." (Emphasis added.)

Paragraph S3-5b(5)b further provides as follows:

- "(b) National Guard service, even if performed for a federally recognized unit, is not creditable unless it meets the qualifications listed in (3) above." (Emphasis added.)

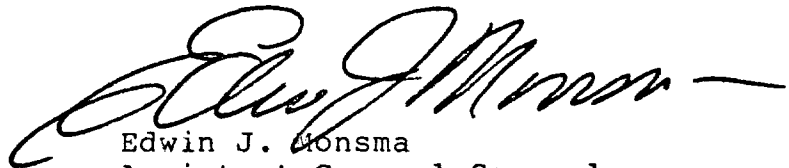
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Under these regulations issued by the Civil Service Commission (now Office of Personnel Management), it appears that your full-time training duty and annual training under 32 U.S.C. 503 (1976) is not creditable to your Civil Service retirement, regardless of when it was performed. However, the Office of Personnel Management, not our Office, is the agency charged with the administration of the Civil Service retirement laws. Therefore, to obtain an authoritative answer to your question, we suggest you submit it to:

Bureau of Retirement, Insurance,
and Occupational Health
Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

We trust that the information provided will be of assistance to you.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Edwin J. Monsma", with a long horizontal flourish extending to the right.

Edwin J. Monsma
Assistant General Counsel