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United States
General Accounting Office
Washington, D.C. 20548

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Office of the General Counsel

B-223789

UNRESTRICTED

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August 13, 1986

Matthew Montoya, Vice President
Local F-213
1616 Grandview Drive
Alhambra, California 91803

Dear Mr. Montoya:

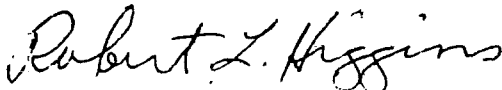
This is in response to your letter dated July 23, 1986, to the Comptroller General concerning certifications for firefighters at the Long Beach Naval Station Fire Department.

With respect to your concern that firefighters are being unfairly denied the opportunity to compete for positions, and are being unfairly inhibited in their career promotion patterns, we point out that merit promotion plans are subject to regulations issued by the Office of Personnel Management (see 5 C.F.R. Part 335, 5 C.F.R. § 335.102 (1986) (copy enclosed), and the Office of Personnel Management will investigate substantial violations of its requirements. Since you have not stated any claim for backpay or other monetary relief, our Office is without jurisdiction to consider your complaint. 31 U.S.C. § 3702; and 4 C.F.R. Part 31. Therefore, you may wish to contact the local office of the Office of Personnel Management or to consider filing a grievance under agency or negotiated grievance procedures.

Although, under 4 C.F.R. § 22.8 (1986), (copy enclosed), this matter is not appropriate for decision at this time, you may resubmit the matter if you have a specific case that comes within our jurisdiction. If you believe you should do so, please submit it in accordance with the enclosed regulations, 4 C.F.R. Part 22 (1986). I call your attention especially to the requirements of 4 C.F.R. § 22.3 (1986) which lists what a request for a decision should contain, and 4 C.F.R. § 22.4 (1986) which requires that a copy of the request be served on the appropriate agency representative, and that a statement of service be submitted to this Office.

I hope that this is responsive to your inquiry.

Sincerely yours,



Robert L. Higgins
Assistant General Counsel

Enclosures