



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Priscilla Cooke - Claim for Restoration of
Forfeited Annual Leave

File: B-231759

Date: January 4, 1989

DIGEST

A part-time employee is not entitled to restoration of annual leave forfeited when she exceeded the 240-hour ceiling on annual leave hours that may be carried over from one leave year to the next. Neither the erroneous advice of agency personnel nor the pay slips which failed to reflect the projected forfeiture of leave constituted the requisite administrative error necessary for restoration of the forfeited leave.

DECISION

The issue in this decision is whether a part-time employee of the Library of Congress may have restored 100 hours of annual leave forfeited at the end of leave year 1987.^{1/} We conclude that since the leave was not forfeited due to administrative error the employee may not have the 100 hours of annual leave restored.

Ms. Priscilla Cooke was reemployed by the Library of Congress in 1982 on a part-time basis. At the conclusion of leave year 1987, Ms. Cooke forfeited 100 hours of annual leave. She contends that the forfeiture was the result of being incorrectly informed by her supervisor that as a part-time employee she was exempt from the Library of Congress's 240-hour ceiling on the number of hours that may be carried over from a previous leave year and credited to the new leave year. Further, Ms. Cooke alleges that her pay slips and computer leave sheets did not reflect projected forfeiture of "use or lose" leave.

^{1/} This decision is in response to a request from Ralph L. Adams, Personnel Operations Officer, Library of Congress.

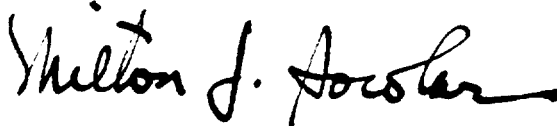
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Under the provisions of 5 U.S.C. § 6304(d) (1982), leave which is forfeited by operation of section 6304 (limitation on accumulated leave) may be restored if the forfeiture was caused by administrative error or for other reasons not applicable to this case. A determination as to what constitutes administrative error is primarily within the jurisdiction of the agency involved. 55 Comp. Gen. 784 (1976); Laurence H. Holmes, B-195562, June 6, 1980. In this case, the Library of Congress denied restoration of the forfeited annual leave since agency regulations and announcements clearly advise all employees of the 240-hour leave ceiling.

With regard to the claim that the employee's pay slips and computer leave sheets did not reflect projected forfeiture of "use or lose" leave, we have held that the failure to show the correct annual leave ceiling does not constitute administrative error. J. Paul Guedet, B-200855, Mar. 26, 1981. In Guedet, we explained that absent an agency regulation requiring annual leave ceilings to be adjusted immediately, the failure to show the correct annual leave ceiling was not administrative error. This position is in keeping with our decisions which have construed administrative error to be the failure of an agency to carry out written administrative regulations having mandatory effect. See John J. Lynch, 55 Comp. Gen. 784 (1976). Our review of all the materials submitted in the present case indicates that there are no agency regulations requiring that employees' pay slips and or computer leave sheets indicate projected forfeiture of "use or lose" leave.

Finally, we have held that erroneous advice does not provide a basis for restoration of leave. Bob R. Carson, B-196834, July 15, 1980; B-171716, Mar. 26, 1971.

Accordingly, we conclude that Ms. Cooke is not entitled to restoration of annual leave on the basis of administrative error under 5 U.S.C. § 6304(d).

for 
Comptroller General
of the United States