



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Owen F. Beeder - Attorney Fees - Final Order of
EEOC

File: B-231838.2

Date: December 15, 1989

DIGEST

In view of the statutory authority vested in the Equal Employment Opportunity Commission (EEOC) to order final corrective action in discrimination cases, this Office declines to question the propriety of EEOC's award of attorney fees in this case.

DECISION

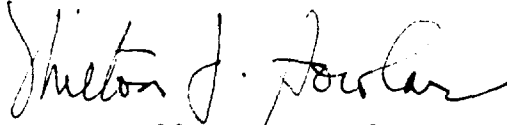
The issue in this case is whether the Environmental Protection Agency (EPA) has the authority to implement a United States Equal Employment Opportunity Commission (EEOC) award of attorney fees under federal anti-discrimination statutes. EPA has denied Mr. Owen F. Beeder's request for attorney fees on the basis that the EEOC has incorrectly interpreted its own regulations concerning attorney fees, since in Mr. Beeder's case there has not been a settlement agreement nor a finding of discrimination. EPA has requested a decision from this Office on the basis of our authority to determine the legality of expenditures of appropriated funds covering the award of attorney fees.

In Mr. Beeder's case, a final order was issued by the EEOC Office of Review and Appeals which directed EPA to pay Mr. Beeder's attorney fees. A further request was made by EPA to reopen and reconsider the EEOC decision under the provisions of 29 C.F.R. § 1613.235 (1988), which was denied by EEOC. Thus, the EEOC order became final. Corrective action ordered by the EEOC Office of Review and Appeals is mandatory and binding on the agency. 29 C.F.R. §§ 1613.234, 1613.237.

While we do not have the authority to review the merits of allegations of discrimination in employment in other agencies of the government, we have held that we may determine the legality of awards agreed to by agencies in informal settlements of discrimination complaints. Albert D. Parker,

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64 Comp. Gen. 349 (1985); Equal Employment Opportunity Commission, 62 Comp. Gen. 239 (1983). Compliance with EPA's request in this case, however, would require us to render a decision on the propriety of a final order of the EEOC Office of Review and Appeals, not on an informal settlement. In view of the statutory authority vested in the EEOC under the provisions of 42 U.S.C. § 2000e-16 (1982) to order final corrective action in discrimination cases, we decline to question the propriety of EEOC's award of attorney fees in this case.



Acting Comptroller General
of the United States