



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

Office of the General Counsel

B-248536

October 22, 1992

Dear Sergeant l:

This is in response to your appeal of Claims Group settlement Z-2867557, dated February 11, 1992, which denied your claim for hazardous duty pay. We have reviewed your claim and have decided that we must affirm their determination.

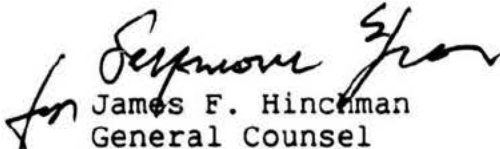
In support of your claim, you state that you are assigned as a medical technician to draw blood and handle bodily fluids of patients infected with the virus which causes Acquired Immune Deficiency Syndrome. You state your belief that these activities constitute hazardous duty. You have pursued your claim for hazardous duty pay through Army channels, and various Department of Defense officials have determined that the duty you perform poses only minimal risk and does not justify payment of hazardous duty pay.

In a prior decision, 39 Comp. Gen. 731 (1960), which involved the handling of explosives, we said that even though a member performs duties which pose safety risks, he is not entitled to hazardous duty pay unless he meets all the statutory and regulatory requirements for the type of hazardous duty he claims.

Furthermore, in another prior decision we said that we will not overturn an agency's determination that an employee's duties are not sufficiently hazardous to entitle him to hazardous duty in the absence of clear and convincing evidence that the agency's determination was arbitrary and capricious. See National Association of Government Employees, B-181498, January 30, 1975. We have no basis for overturning the Army's determination in this matter.

Based on our review of the record before us in this case, we find no error of law or fact in the Claims Group's determination, which accordingly is affirmed.

Sincerely yours,


for James F. Hinchman
General Counsel