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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

In Reply
Refer to: B-204123(HID)

SEP 1 1981

The Honorable Jim Sasser
United States Senate

Dear Senator Sasser:

We refer to your letter dated July 7, 1981, on behalf of one of your constituents who has requested information about two GAO decisions and has raised the question of whether our rulings are binding on the Tennessee Valley Authority.

You have not indicated the nature of the "rulings" which are of concern to your constituent. However, he has requested copies of two decisions which deal with restoration of forfeited annual leave and we infer that this is the kind of decision which he hopes may be binding on the TVA.

In each of the two annual leave cases in question, an appropriate agency official requested an advance decision from the Comptroller General as to the propriety of restoring annual leave forfeited at the end of a leave year to an employee's leave account. In each case, we advised the agency official that restoration was proper. The effect of our determinations was that we could not subsequently challenge any disbursement made by the agency official in reliance on our decision. (See 31 U.S.C. § 74.) Moreover, if the agency had persisted in denying the employee restoration of his leave following our decision, the employee could have pursued a number of legal avenues, both administrative and judicial, to obtain restoration. If he had been about to leave the Government and wanted a lump sum payment of the forfeited leave, he could have filed a claim with this Office.

If your constituent is an employee of the TVA, however, his options may be somewhat more limited. We would still render an advisory decision to the TVA on the leave question, if we were asked by an appropriate official of the TVA to do so. We would not, however, entertain a claim filed against TVA by the employee. Section 831h of title 16, United States Code, confers authority on the TVA to make

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"final settlement of all claims and litigation by or against the Corporation." The question, therefore, is not whether a ruling by this Office on the merits of a TVA employee's claim against the TVA would be binding; we would decline to render such a decision in the first place, because by statute, TVA has exclusive jurisdiction over such claims.

We are enclosing copies of our decisions in B-188284, March 7, 1978 (57 Comp. Gen. 325), and B-189085, April 3, 1978, which were requested by your constituent.

We hope this information is responsive to your request.

Sincerely yours,

MILTON J. SOCOLAR

Acting Comptroller General
of the United States