

B-254187

December 8, 1993

Lieutenant Colonel James C. Bolton
Inspector General
Attn: HSHE-IG
Brooke Army Medical Center
Fort Sam Houston, Texas 78234-6200

Dear Colonel Bolton:

By letter of July 16, 1993, you have asked whether our holding in _____, 70 Comp. Gen. 432 (1991), regarding the transfer of leave under the Voluntary Leave Transfer Program, applies to _____, a former employee of the Brooke Army Medical Center. We believe that it does.

_____ concerned an employee in the Voluntary Leave Transfer Program who died before the crediting of donated leave to her account had been administratively processed. We held that since the employee's death had terminated the medical emergency, the uncredited donated leave had to be restored to the donors. See 5 C.F.R. § 630.910(c).

_____ was an approved recipient in the Voluntary Leave Transfer Program before her death. In her case, 350 hours of donated leave was not credited to her leave account before she died because of an error. A new timekeeper had made a coding error on the timecards that prevented the 350 hours from registering in the payroll system. The error was not corrected until after her death. The Civilian Personnel Office concluded that the 350 hours of donated leave had to be restored to the leave donors for the reasons stated in supra.

You believe that Mrs. _____ situation is different from that of the employee in _____ in that the donated hours in Mrs. _____ case would have been credited to her leave account before she died had the coding error not occurred. You argue that the simple negligence of the timekeeper should not prevent the deceased employee's beneficiaries from receiving the benefit of payment for the leave.

We do not think it is legally relevant that the donated hours were not credited to Mrs. [redacted] leave account because of an error. As we have consistently stated, the leave transfer program is intended to provide income protection to a current employee during the period of an emergency. The program is not intended to benefit the employee after the emergency ends or to provide support to the employee's beneficiaries after the employee's death. See [redacted], supra, and [redacted] 68 Comp. Gen. 694 (1989). Therefore, any donated leave that had not actually been transferred to Mrs. [redacted] account before her death, whatever the reason, was properly restored to the leave donors. See 5 U.S.C. §§ 6336 and 6338. See also the implementing regulations found in 5 C.F.R. § 630.910(c) (1993).

Sincerely yours,

James F. Hinchman
General Counsel