



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

ARM 113

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OFFICE OF GENERAL COUNSEL

B-202655

November 3, 1981

Mr. Larry Carton
3004 Old Court Road
Baltimore, Maryland 21208

Do not make available to public reading

Dear Mr. Carton:

We are in receipt of your letter asking the General Accounting Office to investigate whether legal requirements were met by the Social Security Administration in implementing section 209(o) of the Social Security Act (codified at I.R.C. § 3121(a)). Your specific concern is that in response to an I.R.S. Ruling concerning interpretation of this section, the Administration chose to revise its claims manual to reflect the new interpretation of the section rather than first amend its regulations on the subject. You had offered the latter alternative as an employee suggestion.

Based on your description of the situation, we have no cause to investigate further the proposed amendments. The manner in which this new policy is being pursued is neither prima facie illegal nor outside the realm of reasonable administrative practice. The Administration has indicated its intention to amend its regulations to eliminate any discrepancies between its internal instructions and its regulations. Insofar as your suggestion was not adopted and/or that you were not rewarded for it through the employee suggestion program, we note that your agency has determined that you raise questions outside the normal suggestion system and that they relate more to your normal job responsibilities. On the facts you have given us, this determination appears reasonable. However, even if we were to disagree, we have no authority to compel the adoption of your suggestion and we would not involve this Office in what is strictly and internal judgment as to the merits and value of a suggestion.

We regret that we are unable to assist you in this matter,

Sincerely yours,

Robert H. Hunter,
Assistant General Counsel

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DIGEST

Social Security Administration (SSA) employee who submitted suggestion that certain regulations be amended, asked GAO to investigate SSA's decision not to implement his suggestion. GAO will not interfere in internal matter such as administration of employee incentive awards program, and SSA's action in revising its claims manual before it could amend its regulations is neither illegal nor abuse of discretion.