



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

The Honorable John D. Dingell
Chairman
Committee on Energy and Commerce
House of Representatives
Washington, D.C. 20515-6115

JUN 11 2007

Dear Mr. Chairman:

This is in response to your letter of April 12, 2007, co-signed by Ranking Minority Member Joe Barton, Chairman Bart Stupak, Subcommittee on Oversight and Investigations, and Ranking Minority Member Ed Whitfield, in which you inquired about compensation practices at the Food and Drug Administration (FDA or the Agency). Specifically, you requested records related to compensation for time set aside for religious observances. The enclosed documents are responsive to your request.

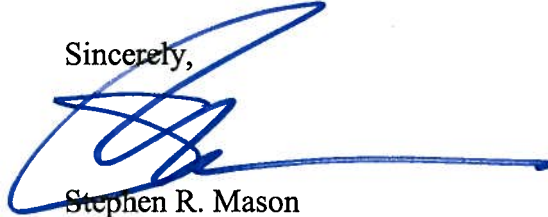
For the period of time beginning in January 1, 2002:

- There are two current FDA employees who received retroactive earnings for time set aside for religious observances. Both employees received these retroactive earnings in error due to personnel action processing issues.
 - In 2007, Joseph Biviano was converted to a Senior Executive Service (SES) position. As the personnel action was processed through the Defense Financial Accounting System (DFAS), the system converted any leave balances to which he was not entitled to under his new appointment to retroactive earnings. Mr. Biviano has returned the funds he received to the Treasury.
 - In 2006, Marjorie Shapiro was dropped from the DFAS system in error which resulted in the pay out of the balance of the Religious Compensatory time that appeared in her leave record. Ms. Shapiro's religious compensatory time has been restored to the DFAS system and she is in the process of refunding the retroactive earnings.
- There is one former FDA employee who received retroactive earnings for time set aside for religious observances.
 - Lee S. Simon resigned from FDA as of November 21, 2003.
 - He received \$822.11 for the balance of Religious Compensatory Time.

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Thank you again for your interest in this matter. If we can be of further assistance, please let us know. A similar letter has been sent to the co-signers of your letter, however, the enclosures are being sent only to you and to the Ranking Member of the Committee.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Stephen R. Mason
Acting Assistant Commissioner
for Legislation

Enclosures