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**DECISION**



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

**FILE: B-189288**

**DATE: November 23, 1977**

**MATTER OF: Ruth L. Jones - Recredit of sick leave**

**DIGEST:** Employee filed claim for 276 hours of sick leave earned from 1962 to 1966 but not credited to her leave account upon reinstatement in 1967. Crediting of sick leave is primarily an administrative matter. Also, in the absence of leave records, the agency may consider and determine the acceptability of such secondary evidence as the employee may supply and whether such evidence may be used as a basis for crediting the leave claimed.

This action is in response to a request for an advance decision from J.C. Lawlor, Jr., Commanding Officer, Naval Communication Unit, Key West, Florida, concerning the claim of Mrs. Ruth L. Jones, a former civilian employee of the Naval Communication Unit, for recredit of sick leave accrued during prior Federal service.

The record indicates that Mrs. Jones was employed by the Naval Communication Unit from March 2, 1967, until her disability retirement on April 15, 1977. On the latter date Mrs. Jones submitted a claim for 276 hours of sick leave which she states were accrued during prior Federal service from May 21, 1962, to May 28, 1966. The only evidence supplied by Mrs. Jones of this accrual of sick leave is an affidavit which states that to the best of her knowledge she earned 396 hours of sick leave during this period and used an estimated 120 hours.

The administrative report states that upon Mrs. Jones' reinstatement in 1967 her leave record was requested from the Civilian Personnel Office at Fort Sheridan, Illinois, but that the record was not received. A recent inquiry directed to Fort Sheridan revealed that such records are routinely destroyed after 4 years. The administrative report states that Mrs. Jones made no effort while employed with the Naval Communication Unit to bring this discrepancy to the attention of Fort Sheridan or the Naval Communication Unit. However, Mrs. Jones states that she contacted Fort Sheridan several times from 1967 to 1977. In addition, there is evidence that the Naval Communication Unit was aware of this matter since it made an additional request for the records from Fort Sheridan in 1970.

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Our Office has held that since the recredit of sick leave does not involve a money payment it is not a proper subject for settlement by this Office as a claim. See B-171947, June 16, 1972. However, we have previously stated that where an employee's leave records have been lost or destroyed and there is doubt whether prior accrued leave had been properly credited, the employing agency may accept and use evidence other than the leave records in order to determine the employee's correct leave balance. See 32 Comp. Gen. 310 (1953); and B-171947, supra. The crediting of sick leave is primarily an administrative matter, and the employing agency must determine the acceptability of any secondary evidence presented and whether it may be used as a basis for crediting the leave claimed. Examples of supporting evidence which might be considered sufficient would include Time and Attendance Reports, Earnings and Leave Statements, personal leave records, or certificates of former supervisors or timekeepers indicating leave earned and used during the period.

Action may be taken on the claim in accordance with the above. If Mrs. Jones' leave account is credited with unused sick leave transferred from her former employer, she may be offered the option of having the leave certified to the Civil Service Commission (CSC) for recomputation of her annuity in accordance with 5 U.S.C. 8339 (m) (Supp. V, 1975) or having her separation date charged so that she may use the leave (see Federal Personnel Manual Supplement 831-1, S 10-11a (2)). If the latter option is selected, the CSC should be notified so that Mrs. Jones' annuity payments for the additional period of time on the active rolls may be recovered and her subsequent rate of annuity be adjusted.

Deputy

*W. K. ...*  
Comptroller General  
of the United States

UNITED STATES GOVERNMENT

GENERAL ACCOUNTING OFFICE

*Memorandum*

NOV 23 1977

TO : Director, Claims Division

Deputy

FROM : Comptroller General ~~W. J. Kilgus~~

SUBJECT: Recredit of sick leave -B-189268-O.M.

Returned herewith is file Z-2739210 along with a copy of our decision of today, B-189265, in response to the request for an advance decision.

Attachments - 2