PROCEDURES FOR FILING AN ADMINISTRATIVE CLAIM

Appropriated fund employees of the Department of Defense or other agencies that are or were payrolled by the Defense Civilian Pay System (DCPS) who choose to seek restoration of leave (or former employees[1] who seek payment) for military leave charged for non-workdays, may file an administrative claim with the Defense Finance and Accounting Service (DFAS). If restoration or payment for leave is made for an administrative claim that is filed after these procedures are issued, the claimant will be informed that acceptance of restored leave or payment constitutes a final settlement of all claims, no matter when accrued, which the employee may have against the Government arising from military leave charged for weekends or non-workdays. Restored annual leave of 416 hours or less must be used by the employee by the end of the leave year beginning within 2 years after the date of restoration or the leave will be forfeited, in accordance with 5 U.S.C. 6304(d)(1)(a) and 5 CFR 630.306. The regulations provide that an agency shall extend this period by one leave year for each additional 208 hours of excess annual leave or any portion thereof that is restored to the employee.

According to MSPB rulings, claimants have the burden of showing proof that he or she were harmed by the improper charging of military leave for Reserve duty on intervening weekends or non-workdays. What does this mean to the claimant? Generally, each claimant must prove that annual leave, leave without pay (LWOP) or other types of leave was charged for a period of active duty due to the improper charge to military leave on an intervening weekend or non-workday. How can that be proven? The claimant must submit a copy of the active duty military order(s) or other documentation showing dates of active duty performance that first caused the erroneous charge of military leave on a weekend or nonworkday and the follow-up active duty military order(s) or other relevant documentation, that required the member to be charged annual, LWOP or other types of leave for an absence due to military duty, as well as civilian leave records or other relevant documentation to support these charges to leave.

Employees and former employees should be advised that the Defense Finance and Accounting Service (DFAS) may not have copies of past TA records or leave records for the following reasons: 1) the National Archives and Records Administration (NARA) rules for retention of TA and leave records do not require that these types of records be retained for more than 6 years; 2) DFAS did not take over civilian pay responsibility for some DoD agencies until 1996, and in most instances, does not have any records that were created by those employing agencies; 3) only the Denver payroll office has records back to 1980, which are limited to employees of the Corps of Engineers. DFAS has a data repository of payroll records, but this repository only contains data from 1996 to present. Therefore, the only historical records for civilian leave and time and attendance that are available at our payroll offices is for the years 1996 to present, with the exception of the records for the COE (attachment 3).

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[1] Former employees are those who have separated from government employment.

To file an administrative claim with DFAS, claimants must complete the claim form (attachment 4) and provide the information listed below. Former and current employees must provide the following documentation to DFAS: a completed claim form, indicating the specific dates of active duty (FROM/TO) during which annual leave, LWOP or other types of leave was charged for non-workdays or intervening weekends; a copy of the order to active duty or other relevant documentation that supports a call to active duty, a copy of the certificate of attendance (if available) for each period of active duty claimed or other relevant evidence that indicates active duty performance and the subsequent charge of civilian leave because of that active duty.

Employees or former employees whose claims were settled by DFAS may need to file amended claims that seek relief back to the first date they were improperly charged military leave subsequent to September 30, 1980. Their amended claims must be filed only for periods that were not considered or already paid for in their initial claim. They need to follow the same procedures as employees or former employees who have not yet filed claims for payment or restoration of leave. Employees or former employees, whose claim has been filed with DFAS, but not yet processed, will have their claims reviewed and processed or returned if more evidence is needed. Employees or former employees whose claim was returned because of the 6-year statute of limitations originally interpreted by DoD should refile using these procedures.

All claims must be submitted to the DFAS –Indianapolis, Civilian Payroll, 8800 East 56th Street, Indianapolis, Indiana 46249-1900. This is the central post office box for all of our current payroll offices and is where information is imaged and flowed to the appropriate payroll office for processing. The toll free fax number is (866) 401-5849 or the commercial numbers are (317) 510-9795 through 9798 (DSN 699). Employees should indicate their current or last payroll office and their current or last employing agency. To help employees determine their DFAS servicing civilian payroll office, they need to look at their current or former Civilian Leave and Earnings Statement and locate the payroll office identification number (POIN). A listing (attachment 5) will translate that POIN to the civilian payroll office name.

Upon receipt of the completed claim package, the servicing payroll office will audit the records. If the audit finds that intervening weekends or non-workdays did not result in charges to annual, LWOP, or other types of leave, the claimants will have no entitlement to restored leave or payment and the claim will be sent back to the current or former employee stating that there was no harm found for the period(s) of the claim. If the claimant's documentation is not complete, the payroll office will notify the employee whether additional information is needed to prove the claim. The payroll office will hold this claim until the proper information is provided or the claimant notifies the payroll office that he or she has no other documentation to verify their claim. At that time, the payroll office will process the claim to the extent possible and will mark the claim package as suspended for the period where no evidence was provided. If the audit reveals any erroneous charges to annual, LWOP or other types of leave, the employee or former employee will receive a credit to his or her restored annual or military leave account or compensation as a payment.

If the claimant is a current Federal employee paid by DFAS, any erroneous charges to annual, LWOP or other types of leave will be adjusted and credited to the claimant's restored annual leave account. Employees in receipt of restored annual leave must understand that any restored annual leave under this claim must be used by the employee by the end of the leave year beginning within 2 years after the date of restoration or the leave will be forfeited, in accordance with 5 U.S.C. 6304(d)(1)(a) and 5 CFR 630.306.

If the claimant has separated or retired, a payment will be made to the claimant to settle the erroneous charges to annual, LWOP or other types of leave using the agency's current appropriations or one furnished by the agency. All former employees must provide a current mailing address so the payment can be made to them.

Employees who were payrolled by DCPS, but now are employed by another Federal agency and who intend to file a claim with DFAS, must include a mailing address for their current payroll office. This address is required so that the DCPS payroll office(s) will be able to send a corrected Record of Leave Data (SF 1150) with the restored annual leave balance, for recredit by the current payroll office. Note payroll offices will enter the restored annual leave amount in the Restored column under the Summary of Annual and Sick Leave heading and the date of the restored annual leave in block 24 remarks.

Employees who are now payrolled by DCPS, but were employed by another Federal agency and who have filed a claim with that agency, need to ensure that the former agency has the correct DFAS mailing address (stated in this document). Upon receipt of the corrected form SF 1150, the DFAS payroll office will post the restored annual leave to the claimants account.

It should be noted that if a claimant requests restoration of military leave, rather than annual leave, the same information must be provided with the claim and proof of harm must still be shown. If loss of leave is proven, military leave will be restored to the claimant. Any restored military leave is subject to the maximum carry over of 30 days. Any adjustment of military leave that would cause the claimant's balance to exceed the limits set by law would be forfeited.

CIVILIAN LEAVE RECORDS AND TIME CARD HISTORY

The Defense Finance and Accounting Service (DFAS) has a data repository for civilian pay, leave and time history, however this program was not started until 1996 and goes through to current year. This data repository has captured all the data for each of our three payroll offices and their multiple databases. As mentioned in the memorandum, National Archives and Records Administration's requirements allow for the destruction of civilian leave and time history after 6 years. If DFAS, you or your former agency do not have civilian leave and time history, then the claim may be denied. Provided below is the civilian leave and time history available through DFAS:

DFAS PAYROLL OFFICES	LEAVE and TIME HISTORY AVAILABILITY
CHARLESTON PRO	1996 through current (data repository)
DENVER PRO	1996 through current (data repository) Corps of Engineers 1980 through current
PENSACOLA PRO	1996 through current (data repository)

Attachment 3