DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-1
200 STOVALL STREET
ALEXANDRIA, VA 22332-0300

REPLY TO
ATTENTION OF

DAPE-CP

JUN 2 3 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Administrative Claims for Annual Leave as a Result of the Decision in Butterbaugh v. Department of Justice, 336 F.3d 1332 (Fed, Cir. 2003)

1. This memorandum provides guidance to assist employees who may have a claim for annual leave. In Butterbaugh, the court reversed the Office of Personnel Management's (OPM) interpretation of 5 U.S.C. 6323(a) and held that agencies should not have charged employees military leave for non-work days, such as Saturdays and Sundays. Accordingly, agencies should have allowed 15 "workdays" of military leave for reserve training each year, instead of 15 "calendar days."

2. In a memorandum dated June 7, 2005, the Defense Finance and Accounting Service (DFAS) outlined the procedures for the filing of administrative claims (enclosed). These procedures apply to appropriated fund employees or eligible former employees. HQDA Non-Appropriated Fund (NAF) office will issue separate guidance for the NAF community.

3. To file a claim, claimants must follow guidance in the DFAS memorandum. Claimants must use the DFAS claim format, found in attachment two of the enclosed DFAS memorandum. Claims must be filed in writing, signed and dated. Proper documentation must accompany the claim, including a copy of the military orders, time and attendance records, and other documentation to prove that military leave was charged in non-work days. Claimants also need to provide the name of their current servicing payroll office. The claims must be submit to DFAS by mail to P.O. Box 33717, Pensacola FL 32508-3717. The claims are subject to the provisions under 31 U.S.C. 3702, the Barring Act. Thus, only leave amounts that accrued within six years preceding the filing of the claim with the Government may be restored. The time limit to use the restored annual leave will be two years, in accordance with 5 U.S.C. 6304(d)(1)(a) and 5 CFR 630.306.

4. An important note - There are discrepancies in the DFAS memorandum and its attachments concerning the zip code of the mailing address for sending claims. We confirmed with DFAS that the correct mailing address to submit the claims is **P.O. Box 33717, Pensacola, FL 32508-3717**.

5. MACOMs and the Army Civilian Human Resources Agency (CHRA) should ensure that the DFAS memorandum receives the widest dissemination possible through

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respective channels. Servicing organizations should have the DFAS point of contact information to refer employees for assistance. Appropriate organizations should provide a courtesy copy of this memorandum to local bargaining units.

6. For HQDA policy issues, my point of contact is Mr. Tony Wai. He may be reached at (703) 325-0341; e-mail address is tony.f.wai@us.army.mil.

Encls
as

TONI B. WAINWRIGHT
Deputy Assistant G-1 for Civilian Personnel

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