

**U.S. Office of Personnel Management
Compensation and Leave Claim Decision
Under section 3702 of title 31, United States Code**

Claimant: [name]

Organization: [agency component]
Department of Veterans Affairs
[city & State]

Claim: Telephone expense reimbursement

Agency decision: N/A

OPM decision: Denied; Lack of subject-matter
jurisdiction

OPM file number: 11-0029

//Judith A. Davis for

Robert D. Hendler
Classification and Pay Claims
Program Manager
Merit System Audit and Compliance

11/15/2011

Date

The claimant, who occupies a Health System Specialist, GS-671-13, position with the Department of Veterans Affairs, requests he be reimbursed \$150.00 to obtain private telephone records related to a request for sick leave. The U.S. Office of Personnel Management (OPM) received the claim request on May 31, 2011. For the reasons discussed herein, the claim is denied for lack of subject-matter jurisdiction.

The claimant states he requested and obtained telephone records from [State] Telcom to prove that he timely called his supervisor on September 27, 2010, and left a message he would not be going to work because he did not feel well. An October 19, 2010, [State] Telcom invoice submitted by the claimant shows the claimant was billed \$150.00 for the “Cost of Special Computer Search” regarding “Local outgoing calls.” The claimant now seeks reimbursement of this cost.

OPM has authority to adjudicate compensation and leave claims for many Federal employees under the provisions of section 3702(a)(2) of title 31, United States Code (U.S.C.). However, the authority in § 3702(a)(2) is narrow and limited to the adjudication of compensation and leave claims. It is well settled that “[t]he starting point for interpretation of a statute is the language of the statute itself,” and “[a]bsent a clearly expressed legislative intention to the contrary, that language must ordinarily be regarded as conclusive.” *Kaiser Aluminum & Chemical Corp. v. Bonjorno*, 494 U.S. 827, 835, 110 S. Ct. 1570, 1575 (1990), citing *Consumer Product Safety Commission v. GTE Sylvania, Inc.*, 447 U.S. 102, 108, 100 S. Ct. 2051, 2056 (1980). Section 3702(a)(2) does not explicitly define the meaning of compensation for purposes of the statute. Under basic principles of statutory interpretation, undefined terms are understood to have their ordinary meaning. See *Abramson*, 42 Fed. Cl. at 629 (citing *Koyo Seiko Co., Ltd. v. United States*, 36 F.3d1565, 1571 n.9 (Fed. Cir. 1994)).

The American Heritage Dictionary definition of compensation in an employment context is: “Something, such as money, given or received in payment or reparation, as for a service or loss.” Legal-dictionary.thefreedictionary.com defines compensation as: “payment for work performed, by salary, wages, commission or otherwise.” Black’s Law Dictionary (2009) defines compensation as:

compensation...1. Remuneration and other benefits received in return for services rendered; esp., salary or wages. [Cases: Labor and Employment k168.]“*Compensation* consists of wages and benefits in return for services. It is payment for work. If the work contracted for is not done, there is no obligation to pay. [Compensation] includes wages, stock option plans, profit-sharing, commissions, bonuses, golden parachutes, vacation, sick pay, medical benefits, disability, leaves of absence, and expense reimbursement.” Kurt H. Decker & H. Thomas Felix II, *Drafting and Revising Employment Contracts* § 3.17, at 68 (1991).

However, many aspects of compensation as defined in Black’s are excluded from the coverage of 31 U.S.C. § 3702 (see 5 U.S.C. § 8347 for Civil Service Retirement System claims adjudication, 5 U.S.C. § 8461 for Federal Employees’ Retirement System claims adjudication, 5 U.S.C. § 8913 for Federal Employees’ Health Benefits Program administration, and 5 U.S.C. §

8716 for Federal Employees' Life Insurance Program administration). Therefore, compensation matters under the coverage of 31 U.S.C. § 3702(a)(2) are circumscribed.

OPM's authority under section 3702(a)(2) does not include any authority to settle disputes over miscellaneous expenses, such as telephone company bills, brought by Federal civilian employees against their agencies. Therefore, OPM may not rely on 31 U.S.C. § 3702(a)(2) as a jurisdictional basis for reviewing agency expense reimbursement determinations. Accordingly, OPM lacks subject-matter jurisdiction over this claim.

This settlement is final. No further administrative review is available within OPM. Nothing in this settlement limits the claimant's right to bring an action in an appropriate United States court.