

Personnel Employee Bulletin

April 4, 2007

DLA Human Resources Centers (DHRC)
New Cumberland, PA and Columbus, OH

UPDATED GUIDANCE

FILING ADMINISTRATIVE CLAIMS UNDER BUTTERBAUGH v. DEPARTMENT OF JUSTICE

Administrative claims under Butterbaugh seek the restoration of annual leave due to an improper charging of Military Leave while a civilian DoD employee. Originally, the 6-year statute of limitations under the Barring Act had been applied to these claims, however as a result of recent Merit Systems Protection Board decision; DoD has determined that **claims or amended claims for DoD employees or former DoD employees** may be considered back to October 1, 1980. Employees intending to file a claim (or an amended claim if they have already filed one under the previous guidelines) are hereby advised that:

- 1) The burden of proving that Military Leave was improperly charged is entirely the employee's. He or she must provide supporting evidence that they were actually charged Military Leave for non-workdays and that they had to use some other form of leave to cover the period of military duty.
- 2) The National Archives and Records Administration rules indicate that employee time and attendance and leave records will be retained for 6 years; however DFAS' has an electronic data repository of employee payroll records dating back to 1996.
- 3) If you need assistance in obtaining what records may be available please contact your timekeeper who will work with their Payroll Center of Excellence staff.
- 4) Claims are filed directly to DFAS Indianapolis. If you would like to file a claim you may contact your servicing DLA HR Center using the link below.

For additional information, please contact your servicing DLA Human Resources Center, <http://www.hr.dla.mil/cntctus.htm>. The Personnel Employee Bulletin will be published on the first and third Wednesday of each month.



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IN REPLY
REFER TO J-14

FEB 27 2007

MEMORANDUM FOR DLA CORPORATE BOARD
DLA DIRECTOR'S STAFF

SUBJECT: Administrative Claims for Annual Leave under *Butterbaugh v. Department of Justice*

This memorandum updates previously issued guidance regarding the application of the *Butterbaugh v. Department of Justice* decision. The change extends the timeframe for which an employee may seek relief for the restoration of annual leave based on military leave usage. There is no change to how military leave is charged to reservists attending reserve training.

The updated guidance in Attachment 1 supersedes the April 13, 2004, memorandum on this subject and is in response to *Butterbaugh* related decisions issued by the Merit Systems Protection Board (MSPB) pertaining to *Garcia v. Department of State* and *Harper v. Department of Navy*. The June 7, 2006, memorandum from the Office of the Under Secretary of Defense, Personnel and Readiness, which we recently received, provides that there is no statute of limitations for claims brought under the Uniformed Services Employment and Restoration Rights Act of 1994. As such, administrative claims for the restoration of annual leave will be processed back to October 1, 1980, the effective date of the amendment to 5 U.S.C. § 6323(a). Employees who have already had their claims adjudicated based on the initial 2004 guidance may submit an amended claim to the Federal agency who charged them leave, if appropriate.

The MSPB ruling recognizes that it is the responsibility of the employee to provide all supporting documentation verifying that he or she was improperly charged military leave for non-work days.

Information identifying the documents that must be submitted to claim restoration of leave are identified in Attachment 2. Additional information on this issue may be found at <http://www.dod.mil/dfas>.

This information should be publicized to ensure the widest dissemination.

Questions regarding this guidance should be addressed to Ms. Beth Helmer, at J-14, (703) 767-7129, DSN 427-7129 or beth.helmer@dla.mil. Questions on how to proceed with a claim should be addressed to the appropriate Defense Finance and Accounting Service payroll office.


JEFFREY R. NEAL
Director
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Attachments

