



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

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D-178446

MAY 4 1973

Miss Katherine Swift
Authorized Certifying Officer
National Park Service
United States Department of the Interior
7200 W. Alameda
Denver, Colorado 80226

Dear Miss Swift:

This refers to your letter of April 13, 1973, reference F62-CD(FCF), requesting our decision as to the propriety of certifying a voucher presented by Mr. Ben H. Coon, formerly employed as a Mechanical Engineer by the National Park Service. The voucher submitted is for partial payment for work performed on two contracts awarded to Mr. Coon by the National Park Service and for reimbursement of travel expenses incurred in connection with the performance of one of them.

Your letter states that Mr. Coon was involuntarily separated from the rolls of the National Park Service when the Western Service Center, formerly located at San Francisco, California, was consolidated with the Eastern Service Center and the combined service was established at Denver, Colorado. Mr. Coon declined relocation from San Francisco to Denver, and, upon separation, became entitled to severance pay under provisions of section 5595 of title 5, United States Code.

Following Mr. Coon's separation from the National Park Service he was awarded the two professional services contracts in question in his capacity as a self-employed consulting engineer in practice in San Francisco. On April 11, 1972, a contract was awarded for a total negotiated amount of \$5,200 and on October 27, 1972, another was awarded for an amount of \$5,000. The severance pay received by Mr. Coon at the rate of \$296.40 per week, totalling \$20,612, was paid over the period February 6, 1972, to February 10, 1973.

The fact that the period during which Mr. Coon was awarded the contracts coincided with the period during which he was receiving severance pay causes you to raise a question as to whether this resulted in a case of dual pay within the meaning of subsection 5533(a) of title 5, supra.

[Clarification of Severance Pay]

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Subsection 5533(a) provides as follows:

§5533. Dual pay from more than one position; limitations; exceptions.

(a) Except as provided by subsections (b), (c), and (d) of this section, an individual is not entitled to receive basic pay from more than one position for more than an aggregate of 40 hours of work in one calendar week (Sunday through Saturday). (Underlining added.)

Subsection 5595(f), quoted in your letter, is as follows:

(f) Severance pay under this section is not a basis for payment, and may not be included in the basis for computation, of any other type of United States or District of Columbia Government benefits. A period covered by severance pay is not a period of United States or District of Columbia Government service or employment.

In order for an individual to receive severance pay, he must be separated from the service. In view thereof, as well as the wording of subsection 5595(f), it is clear that such individual does not hold a position with the United States during the period covered by severance pay so as to be subject to subsection 5533(a).

Accordingly, the voucher may be certified for payment if otherwise proper. Copies of the voucher and contracts are returned herewith.

Sincerely yours,

[Handwritten signature]

For the Comptroller General
of the United States

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