



DEPARTMENT OF DEFENSE
CIVILIAN PERSONNEL MANAGEMENT SERVICE
1400 KEY BOULEVARD
ARLINGTON, VA 22209-5144

SEP 6 2006

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Interim Guidance/ Service Computation Date for Leave Accrual Purposes for those Appointed while on Military Terminal Leave

Pursuant to title 5, United States Code, Section 6303(a), Congress has limited the circumstances under which military retirees may receive credit for their military service in the computation of their leave accrual rates to cases based on disability; for service performed during a war or during a campaign or expedition for which a campaign badge has been authorized; or where the employee has served in a covered position since November 30, 1964.

The Office of Personnel Management (OPM) has recently concluded that a service member initially employed while on military terminal leave is entitled to credit for that military service during military terminal leave and after military retirement, notwithstanding the language in section 6303(a) of title 5. Upon review, DoD disagrees with the OPM interpretation. Therefore, DoD has requested that the Department of Justice (DOJ) resolve this issue. In addition, DoD has proposed legislation that would clarify existing law to ensure that credit for military service is only available to military retirees as provided for in section 6303(a).

Components shall hold all individual compensation claims and applications/requests for recalculation of service computation dates for leave accrual purposes based upon the OPM interpretation until DOJ provides guidance. Please inform applicants/requesters of the basis for the hold. In the event that DoJ agrees with OPM, appropriate adjustments will be made and the appropriate amount of leave will be credited.

Applicable policy guidance and procedures will be issued when DOJ issues its opinion.


Brad Bunn
Director