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

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IN REPLY REFER TO: B-191501

A.S. Commissioned Corps of Public Service
DLG 00003

APR 3 1979

Do not make available to public reading

The Honorable Bob Stump
House of Representatives

Dear Mr. Stump:

Further reference is made to your communication of March 7, 1979, enclosing for consideration and report a letter dated February 1, 1979, to you from Health Services Director, Peggy S. Pentz, concerning her entitlement to receive credit for 5 years of civil service employment toward retirement as a member of the Commissioned-Officer Corps of the Public Health Service (PHS).

This matter was the subject of decision B-191501, dated March 8, 1979, copy enclosed. We concluded therein that ^{AID!} Ms. Pentz's civilian service was as an employee of the International Cooperative Administration (ICA). She worked on that agency's projects and was subject to their discipline and control during the period in question. There was no evidence to show that the PHS as an entity or the Surgeon General as head of that agency had any authority over employees of the ICA, such as Ms. Pentz. Accordingly it was held that none of her service could be considered as "with" the PHS for the purposes of 42 U.S.C. 212.

It is noted that Ms. Pentz states in her letter that although she had more than the minimum years of creditable service for civil service retirement eligibility purposes while working for the ICA, she relinquished that right by withdrawing her retirement deductions from the fund when she went on active duty with the PHS. Under the provisions of 5 U.S.C. 8334(d) and (e), if an employee redeposits an amount refunded, plus interest from the date refund was made to the date of redeposit, retirement credits may be restored.

The extent to which Ms. Pentz may be eligible for recredit, and the conditions involved should be addressed to the Office of Personnel Management (formerly the Civil Service Commission).

DLG 00925

B-191501

We trust this information will serve the purpose of your inquiry and regret a more favorable reply cannot be made. The enclosures with your communication are returned herewith.

Sincerely yours,

R.F. MILLER

Deputy Comptroller General
of the United States

Enclosures