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October 29, 2015

**Via Certified Mail with Return Receipt**

U.S. Office of Personnel Management  
Retirement Operations Center  
Attention: The Honorable Beth Cobert, Acting Director of the Office of Personnel Management  
1900 E Street, NW  
Washington, DC 20415-1000

**Re: [REDACTED]; SSN: [REDACTED]; CSA: [REDACTED] – Request for Status Update regarding  
OPM's November 30, 2011 decision rescission**

Dear Ms. Cobert:

The Western States Pension Assistance Project is a nonprofit law office that assists individuals with issues concerning their pension and retirement savings plans. I am writing this letter at the request, and on behalf of our client, [REDACTED], and have enclosed an authorization for your convenience.

**Background**

[REDACTED] is a retired veteran with over 22 years of service that included Air Force active duty and Air National Guard and Air Force Reserve service. Mr. H is also retired from federal civil service with over 40 years of employment with the Department of the Interior and Department of Agriculture. Mr. H spent his entire career serving our country in several capacities, and retired in 2009, however, there has been an ongoing lingering retirement benefit issue that has yet to be properly resolved.

In spring 1969, the Comptroller General announced it would begin recognizing federal active duty performed by the National Guard prior to entering federal civil service employment. Mr. H communicated with the personnel office and provided documentation of active duty before his entrance in civil service. Subsequently, a notice of personnel action, dated 12-20-1971 was issued with a corrected service computation date to: 5-12-1965. That correct service computation date was recognized for his entire career until a final notice of personnel action was issued on 7-15-2009, and erroneously listed 8-4-1966 instead.<sup>1</sup>

Mr. H served in the National Guard under Title 10 during periods between 1958 through 1966. On **December 9, 2009**, Mr. H was sent a letter by Office of Personnel Management (OPM) stating the military service for those years was not creditable service because OPM believed the service was not

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<sup>1</sup> Please see enclosed personnel action forms that Mr. H had retained over the years for reference.

under Title 10. Mr. H timely requested reconsideration of this determination on **January 3, 2010** and indicated that service was in fact under Title 10, and enclosed relevant attachments.<sup>2</sup>

On **November 30, 2011**, nearly two years after submitting a request for reconsideration, OPM sent Mr. H a letter stating that the initial decision to not count the military service was issued prematurely, and the decision was rescinded, and his case forwarded to Claims I office for additional review, and a new initial decision will be provided.<sup>3</sup> To date, Mr. H has not received a new determination as to whether his service will be credited, and therefore he has not been provided additional rights for review.

Earlier this spring, our office contacted OPM for information, and on **June 12, 2015**, OPM mailed Mr. H a letter stating that he needs to request documentation certifying why service was performed. This request brings Mr. H's case full circle as this is what OPM purported to be researching in 2011 before reissuing a new decision. Please find enclosed all relevant documentation that Mr. H has saved or acquired that indicates the type of service he performed, and relevant service performed under Title 10.

### **Request**

We respectfully request a thorough review of the enclosed documents, his case file, applicable law, and a status update of the necessary research referenced in OPM's November 30, 2011 letter as soon as administratively possible.

Mr. H's federal active duty in the Air National Guard prior to his appointment to permanent civil service position was determined officially to be creditable for retirement purposes by the Office of the Comptroller General, per federal personnel policy, and he seeks to receive the additional benefits that he is accordingly entitled to.

If you have any questions, please do not hesitate to contact me directly at: (916) 930-4923, or janders@lsnc.net. Thank you in advance for your prompt attention to this matter.

Sincerely,

Jennifer Anders-Gable  
Supervising Attorney, Western States Pension Assistance Project

Enclosures: release of information, copy of Mr. H's relevant documents

cc: Tanya Battle, OPM Legal Administrative Specialist, Claims 1, Post-Retirement Branch

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<sup>2</sup> See enclosed copy.

<sup>3</sup> See enclosed copy.