

Payback for Some

The U.S. Court of Federal Claims recently granted summary judgment to a group of former employees of the Department of Veterans Affairs, awarding them payment under the Lump Sum Statute that requires salaries reflect cost-of-living and locality-pay adjustments. *Athey v. United States* grew out of a larger class action brought on behalf of all former federal employees who alleged miscalculation of lump sum payments for accrued and accumulated annual leave. After the Government entered into a settlement agreement with the employees of seventeen federal agencies, the CFC severed the claims in *Athey*, and the case continued independently.

A subclass of *Athey* plaintiffs--former VA employees in the General Service--moved for summary judgment, asking the court to hold that they were entitled to COLA and locality pay, and the CFC agreed, holding that the subclass was entitled to that pay as a matter of law:

Having reviewed the pertinent statute and regulations, the court finds, as a matter of law, that a VA General Schedule employee, who separated from federal service on or after April 7, 1993, and whose employment was governed by title 5 of the United States Code, is entitled to a lump sum for annual leave that reflects applicable COLA and locality pay adjustments that became effective during his or her leave period.

The claims for the remaining class members are still pending.

Read the full opinion [here](#).