

**Number 87, Web Site only:
"Double-dipping" by Federal Civilian Employees Permissible**

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Q: In Law Review 77 (June 2003), you wrote, "If you want to go back to work while on terminal leave, and if the employer wants you back, there is no legal impediment to your being re-employed while on terminal leave." I left a federal civilian job when I was called to active duty. I am now home on terminal leave, and I want to go back to work as soon as possible. My civilian supervisor said that I could start back to work on Monday, but the agency's personnel office said that I am not permitted to draw two federal paychecks for the same pay period and that I must wait until I have been released from active duty to return to work. Is the personnel office correct?

A: No, the personnel office is wrong. Congress has specifically permitted a member of the uniformed services on terminal leave to return to a federal civilian job, or to start a new federal job, and to draw two federal paychecks while on terminal leave. "A member of a uniformed service who has performed active service and who is on terminal leave pending separation from, or release from active duty in, that service under honorable conditions may accept a civilian office or position in the government of the United States, its territories or possessions, or the government of the District of Columbia, and is entitled to receive the pay of that office or position in addition to pay and allowances from the uniformed service for the unexpired portion of the terminal leave." 5 U.S.C. 5534a. This section, which is quoted in its entirety, was enacted in 1967.

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