

Putnam



**The Comptroller General  
of the United States**

Washington, D.C. 20548

**Decision**

**Matter of:** Joyce A. Doyle - Refund of Private Health Insurance Premiums - Presidential Appointee  
**File:** B-234866  
**Date:** November 17, 1989

**DIGEST**

A Presidential appointee who was erroneously excluded from the Federal Employees Health Benefits Program for over 6 months may not be reimbursed for the difference in the cost of premium payments made for private health insurance coverage during that period.

**DECISION**

The issue in this decision is whether a Presidential appointee who was erroneously denied health insurance coverage for a period of over 6 months may be reimbursed for the difference in the cost of private health insurance premiums she paid during that period. For the following reasons we hold that she may not be reimbursed for that expense.

**BACKGROUND**

This decision is in response to a request by Mr. Ford B. Ford, Chairman, Federal Mine Safety and Health Review Commission. Chairman Ford points out that Commissioner Joyce A. Doyle was appointed on November 25, 1985, to fill the unexpired term of a 6-year appointment which was to expire on August 30, 1986. The Commission's personnel servicing agency, the General Services Administration (GSA), determined that Ms. Doyle was a temporary employee and therefore was not eligible to enroll in the Federal Employees Health Benefits Program (FEHBP).

On July 11, 1986, Ms. Doyle was reappointed as a Commissioner with a 6-year term not to exceed August 30, 1992. With this appointment, she was granted eligibility to enroll in the FEHBP. It later came to the attention of the Commission that under the FEHBP regulations, Ms. Doyle was eligible to enroll in the FEHBP during her prior appointment to fill an unexpired term. She now requests reimbursement

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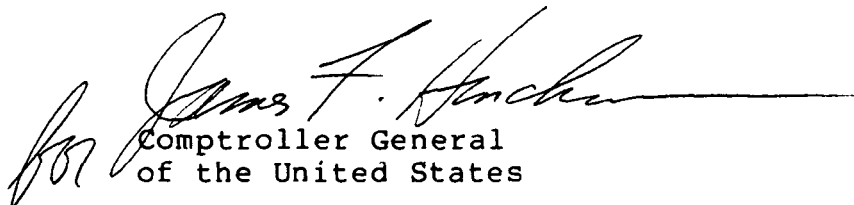
in the amount of \$606.05 representing the difference between premium payments she paid during this period for private health insurance coverage and what she would have paid for coverage under the FEHBP.

#### OPINION

Under the regulations governing coverage under the health benefits plan, the Office of Personnel Management (OPM) excludes from coverage "[a]n employee serving under an appointment limited to 1 year or less, except . . . a Presidential appointee appointed to fill an unexpired term." 5 C.F.R. § 890.102(c)(1) (1986). Therefore, at the time of her initial appointment to the Commission to fill the unexpired term of a Commissioner, Ms. Doyle was eligible to enroll in the FEHBP.

The OPM regulations permit the employing agency to correct administrative errors prospectively, and OPM may order correction of an error, mistake, or omission. 5 C.F.R. § 890.103(a) and (b). However, we know of no basis to reimburse Ms. Doyle for the additional health insurance premiums paid as a result of this administrative error. Neither the statute nor the regulations authorize the correction of an error through reimbursement of an employee's out-of-pocket expenses in connection with such error. See James B. Ruch, B-215626, Jan. 7, 1985, where we held that an employee following restoration to duty after an improper removal is eligible for retroactive health insurance coverage but may not be reimbursed for the cost of private health insurance coverage.

Accordingly, we hold that the Commission may not reimburse Ms. Doyle the sum of \$606.05 representing the difference in premium payments she paid for private health insurance coverage instead of federal health insurance coverage.

  
Comptroller General  
of the United States