

Kandel v. United States Class Administrator
P.O. Box 3560
Portland, OR 97208-3560

Final Fairness Hearing Date: September 30, 2020

Kandel v. United States, United States Court of Federal Claims, Case No. 06-872C

A PARTIAL SETTLEMENT HAS BEEN AGREED TO WITH THE GOVERNMENT INVOLVING LUMP-SUM PAY FOR UNUSED ANNUAL LEAVE TO CLASS CLAIMANTS WHO FILED A VALID, TIMELY CLAIM.

A partial settlement agreement has been agreed to in this case, under which the United States will pay a lump-sum to a Settlement Fund to settle valid, timely class action claims for lump-sum payment for unused annual leave by former employees of thirty-one (31) federal agencies who filed valid, timely claims for back pay and had separated at different times on and between October 14, 1993, and September 6, 1999. The partial settlement does not include former employees of the Panama Canal Commission (“PCC”) who did not produce information that demonstrates, or would lead to the discovery of records that would demonstrate, that the claimants had unused annual leave upon their separation, or potential entitlement to supplemental payments for that unused annual leave, such as either a Social Security number (SSN) or a PCC Form 2764. The partial settlement also does not include a settlement of attorney fees, costs, and expenses, and costs and expenses of the Class Administrator, pursuant to the Equal Access to Justice Act (“EAJA”).

Each member of the certified class will receive a proportionate distribution of the Settlement Fund based upon the cost of living increases (COLAs), locality pay adjustments, and/or foreign post allowances, living quarters allowances, and separate maintenance allowances, and/or Sunday pay (for those who had separated on or before October 1, 1997) that each eligible individual settlement class member should have received for accumulated and accrued unused annual leave. The United States Court of Federal Claims denied the payment of interest under the Back Pay Act. The United States Court of Appeals for the Federal Circuit affirmed the decision by the United States Court of Federal Claims.

Defendant does not admit any wrongdoing or liability on its part; the proposed settlement is for payment of authorized individual claims before deduction of approved taxes.

The Court will hold a hearing via video conferencing at the United States Court of Federal Claims, 717 Madison Place, NW, Washington, DC 20439 at **11:00 a.m. (EDT) on September 30, 2020**, to determine whether it should approve the proposed settlement.

If you wish to be heard orally in opposition to the proposed settlement, you must so state as part of your timely filed objection. Written objections to the proposed settlement by class members will be considered by the Court, but only if such objections are filed in writing with the Clerk of the Court by mail postmarked no later than **September 15, 2020**.

Class members who support the proposed settlement do not need to take any action to indicate their approval.

The Settlement Agreement, as well as Plaintiffs’ motion for approval of the settlement, can be viewed in its entirety on the settlement website at www.FedLumpSum.com.

For more information about this case, you may call the Class Administrator toll-free at (866) 329-5558, or visit the class website at www.FedLumpSum.com.

Sincerely,

Kandel v. United States Class Administrator