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GAO
United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-193395 (CLB)

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DEC 11 1979

Dr. Ledolph Baer
9920 Bedfordshire Court
Potomac, Maryland 20854

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Dear Dr. Baer:

This responds to your letter of November 10, 1979, in which you request reconsideration of Comptroller General's decision, Ledolph Baer, B-193395, October 31, 1979, or information concerning other avenues of redress.

Claims are settled by the General Accounting Office on the basis of facts as established by the Government and the individual. The burden is on the claimant to establish the liability of the United States, and his right to payment. Settlement of claims is based on the written record only. Since you have presented no new facts or evidence nor have you alleged any errors in the decision in your case, there is no basis upon which to reconsider that decision. See 4 C.F.R. 31.7 and 32.2.

Decisions of the Comptroller General on matters involving the payment of Government funds are final and conclusive and are binding on the executive branch. See 54 Comp. Gen. 921, 926 (1975) and 33 Op. Atty. Gen. 268 (1922). However, the United States Court of Claims and U.S. district courts have concurrent and independent jurisdiction in these matters.

As we stated in our decision, it is unfortunate that you were erroneously authorized allowances which are statutorily conferred only upon transferred employees. Nevertheless, the Comptroller General is without authority to suspend or modify the provisions of any statute or the regulations promulgated thereunder. While the Comptroller General may under certain circumstances waive erroneous overpayments of pay and allowances under 5 U.S.C. 5584, this authority does not extend to overpayments of travel expenses.

Sincerely yours,

Edwin J. Monsma

Edwin J. Monsma
Assistant General Counsel