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GAO

United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-197517

March 24, 1980

no abstract, pls.

Mr. Paul A. Sheehy
12014 Galena Road
Rockville, Maryland 20852

Dear Mr. Sheehy:

This is in response to your [claim for property damage] resulting from an accident on November 21, 1979, in Bethesda, Maryland, involving Mr. Joseph Baltimore, an employee of the United States General Accounting Office.

You state that you were stopped at a traffic light on Old Georgetown Road at the Executive Boulevard intersection, when the vehicle driven by Mr. Baltimore struck you from the rear. According to Mr. Baltimore, your vehicle had changed lanes in front of him as you approached the intersection, and you came to a quick stop as the traffic light changed. He states that he applied his brakes suddenly in an attempt to avoid a collision, but struck the left rear side of your vehicle.

In any event, our examination of the evidence on record in this case indicates that you are entitled to the amount of \$512.43, the lesser of the two estimates you submitted. A check in that amount will be issued and mailed to you shortly.

Please be advised that section 2672 of title 28, United States Code, which authorizes the settlement of claims of the type here involved, provides:

"The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the government whose act or omission gave rise to the claim, by reason of the same subject matter."

Therefore, acceptance of the check in the amount of \$512.43 will constitute a complete release to the Government and to Mr. Joseph Baltimore from any further liability to you for damages arising from this accident.

Sincerely yours,

Harry R. Jan Clevie

for Milton J. Socolar
General Counsel



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UNITED STATES GOVERNMENT

GENERAL ACCOUNTING OFFICE

Memorandum

March 24, 1980

TO : Chief, Administrative Finance Section, OBFM - Judith Czarsty

FROM : General Counsel *Harry R. Dan Cleave* Milton J. Socolar

SUBJECT: Claim of Paul A. Sheehy for Damage to Automobile - B-197517-O.M.

A claim has been received from Mr. Paul A. Sheehy, 12014 Galena Road, Rockville, Maryland 20852, for damage to his automobile resulting from an accident on November 21, 1979, involving Mr. Joseph Baltimore, an employee of the General Accounting Office.

From an examination of the evidence presented, we believe that Mr. Sheehy is entitled to the amount of \$512.43. A voucher should be prepared for payment of this amount in the name of Mr. Paul A. Sheehy at the above address.

Copies of our letter of today to Mr. Sheehy and an internal memorandum setting forth the basis for payment are attached for your information and file.

Attachments

Memorandum

March 18, 1980

TO : Associate General Counsel - Rollee H. Efros
THRU : Senior Attorney - Robert Centola *aje*
FROM : Legal Assistant - Judith R. Cotter *JRC*

SUBJECT: Claim of Paul A. Sheehy for Damage Incurred in Automobile Accident Involving Mr. Joseph M. Baltimore, GAO employee - B-197517-O.M.

The attached claim involves a GAO employee, Joseph M. Baltimore, who was involved in an automobile accident in Bethesda, Maryland, on November 21, 1979, while engaged in official duties relating to and within his scope of employment.

The accident for which claim has been made occurred when the vehicle driven by Mr. Baltimore collided with another vehicle driven by Mr. Sheehy. The employee stated that while driving his vehicle in the vicinity of Old Georgetown Road and Executive Boulevard, the vehicle owned by Mr. Sheehy was also traveling on Old Georgetown Road, just ahead of the Federal vehicle. When Mr. Sheehy approached the intersection of Old Georgetown Road and Executive Boulevard, he changed lanes in front of the Federal vehicle and came to a quick stop as the traffic light changed. Mr. Baltimore, in an attempt to avoid hitting Mr. Sheehy's vehicle, had to put on his brakes suddenly, which caused the steering to pull slightly to the left, causing the Federal vehicle to hit the left rear of Mr. Sheehy's vehicle.

Mr. Sheehy states on the SF 95 claim form simply that he was stopped at the traffic light when Mr. Baltimore struck his vehicle from the rear. While the two versions of the accident differ factually, the fact remains that the GAO employee struck the claimant from the rear. Therefore, we recommend allowance of the claim.

Mr. Sheehy submitted two repair estimates -- \$547.40 and \$512.43. The amount recommended for payment is \$512.43, the lower of the two estimates. This amount appears reasonable for the actual damages sustained, and is well within the "blue book" average value for a 1974 Saab Model 99LE. (The "blue book" lists 3 different models of the 1974 Saab 99LE, but the average retail value for each of them exceeds \$2,000.)

B-197517-O.M.

In accordance with the foregoing rationale and our existing procedures, a memorandum to the Chief, Administrative Finance Section, OBFM, has been prepared, and is attached, authorizing payment in the amount of \$512.43. A letter to the claimant advising him of our decision is also attached. All the criteria for payment under the Federal Tort Claims Act (28 U.S.C. § 2672) having been satisfied, both attachments are presented for signature by the General Counsel to whom the Comptroller General has delegated this authority.

Attachments