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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-214130

January 14, 1986

Mr. Leland F. Leavitt
1279 Sheridan Drive
Ogden, Utah 84404

Dear Mr. Leavitt:

This is in response to your letter dated July 20, 1985, requesting our decision on the payment of interest and attorney fees in connection with the settlement of your travel claim pursuant to our decision in B-214130, January 11, 1985.

In view of the statutes relating to our decision-making authority, we are unable to render a formal decision to you at this time. See 31 U.S.C. § 3529 (1982). However, we offer the following information to you in response to your letter. If, after studying this information you believe you are entitled to interest or attorney fees, you may submit your claim through your agency to our Claims Group in accordance with the provisions of 31 U.S.C. § 3702 (1982) and 4 C.F.R. Part 31 (1985). We have enclosed copies of the cited statutes, regulations, and decisions for your reference.

In your letter you seek payment for interest on the amount of your travel claim which was withheld from you until issuance of our decision. You argue there is precedent for the Government to pay interest on delayed payments, and you contend that the value of the principal amount lessened while you pursued your claim.

Our decisions have long held that, in the absence of express statutory or contractual authority, interest may not be assessed against the Government. Jack M. Haning, 63 Comp. Gen. 170 (1984); Isma B. Saloshin, 63 Comp. Gen. 156 (1984); and John H. Kerr, 61 Comp. Gen. 578 (1982). Although the Prompt Payment Act, 31 U.S.C. §§ 3901-3906 (1982) authorizes the payment of interest for delayed payments by the Government, this Act applies only to a "business concern" delivering property or services to a Federal agency and would not apply to your situation.

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AS to your claim for attorney fees, we note that under the Back Pay Act, 5 U.S.C. § 5596 (1982), reasonable attorney fees may be paid to employees found to have been affected by unwarranted or unjustified personnel actions where such payment is in the interest of justice. See Shelby W. Hollin, 62 Comp. Gen. 464 (1983); and Elias S. Frey, B-208911, June 10, 1983, affirmed in B-208911, March 6, 1984. See also 5 C.F.R. § 550.806 (1985). The standards and procedures for awarding attorney fees are set forth in the above-cited regulations and decisions.

We trust that this information is responsive to your inquiry.

Sincerely yours,



Robert L. Higgins
Assistant General Counsel

Enclosures