



COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON

A-92619

COMP. GEN.
FILE COPY

APR 22 1938

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Major George A. Wardinski, C.N.G.,
U. S. P. & D. O. of Connecticut,
State Armory,
Hartford, Connecticut.
(Through National Guard Bureau)

Sir:

There has been received your letter of April 5, 1938, requesting a decision as to whether you are authorized to pay the voucher submitted therewith in favor of the East Side Hide Company, 666 Windsor Street, Hartford, Connecticut, in the sum of \$10, for the removal of a Federally owned horse No. 503-L, injured during drill January 31, 1938.

Attention is invited to the fact that the voucher is not accompanied by a copy of the agreement under which the services of the claimant were procured, nor was the submission made through the Chief, National Guard Bureau as required by paragraph 12, National Guard Regulations, No. 51, dated January 12, 1931.

However, the matter will be considered in the light of the evidence at hand.

The act of July 1, 1937, 50 Stat. 442, making appropriations for the military establishment for the fiscal year ending June 30, 1938, provides under the heading of "Arming, Equipping, and Training the National Guard," page 461, as follows:

"For procurement of forage, bedding, and so forth, for animals used by the National Guard, \$514,439.

"For compensation of help for care of * * * animals * * * \$2,755,244."

and under the heading of "Arms, Uniforms, Equipment, and so forth, for field service, National Guard," page 462, as follows:

"To procure by purchase * * * and issue from time to time to the National Guard * * * such military equipment * * * as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, including animals * * *."

Section 90 of the National Defense Act, as amended by the act of May 28, 1926, 44 Stat. 673, provides:

"That funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, * * *"

Paragraph 19, National Guard Regulations No. 79, dated January 4, 1936, provides as follows:

" * * * Descriptive cards * * * of all animals purchased from Federal funds or issued by the Federal Government will be kept up to date and transferred with the animals. Upon the death of a public animal the original descriptive card will accompany the survey report. * * *"

Paragraph 10b, National Guard Regulations, No. 75-7, dated July 1, 1929, provides that a survey will be required when property of the following classes has been damaged or destroyed:

"(11) Public animals that have been injured or killed by accident * * *. The action of the surveying officer may follow the destruction of the animal when immediate destruction is necessary to prevent contagion or terminate suffering."

There appears, however, to be no provision in the regulations as to what disposition shall be made of dead animals. In view of the fact that the statutes make no provision for the incurrence of any expense for the removal of horses killed, or dying while in use by the National Guard, you are not authorized to pay the voucher which is returned herewith.

Respectfully,

(Signed) R. N. Elliott

Acting Comptroller General
of the United States.

Inclosure

