

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

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FILE: B-182519

DATE: JUL 2 1975

MATTER OF: Joseph J. White, Jr. - Unpaid Compensation -  
Reconsideration of Claim of Joseph J. White, III

DIGEST: Where deceased Government employee incorrectly listed name of person whom he desired to receive part of any compensation due him at death, but evidence shows whom he intended to receive this compensation, intended beneficiary is entitled to payment.

This action is a reconsideration of a claim by Joseph J. White, III, for part of the compensation due his father, Joseph J. White, Jr., a former employee of the Department of the Navy, Norfolk Navy Shipyard Branch, Portsmouth, Virginia, at his death. In a decision dated April 2, 1975, we sustained the disallowance of the claim of Joseph J. White, III, a son of the deceased employee, for this compensation because his father had designated beneficiaries to receive any compensation owing him at his death and, under 5 U.S.C. § 5582 (1970) such beneficiaries are entitled to receive such unpaid compensation. A child of a deceased employee, if not designated as a beneficiary, is only entitled to any compensation due his parent at his parent's death, if no beneficiaries have been designated and there is no surviving spouse. Mr. White again challenges the right of Rickie P. White (Weeks), a designated beneficiary, to receive part of the unpaid compensation, and claims that this part should be paid to him.

Mr. White's claim, this time, is based on the fact that when his father listed those whom he wished to receive any compensation due him at his death, he listed Kathryn G. White and Rickie P. White and there was no beneficiary designated as Rickie P. White (Weeks) or Rickie P. Weeks. He argues, therefore, that there was no proper beneficiary named and that he is entitled to receive the unpaid compensation which would have been payable to Rickie P. White.

The record indicates that the name of the beneficiary was listed incorrectly. However, there is evidence to whom the decedent was referring when he listed the name of Rickie P. White. Rickie Weeks was the son of Kathryn White by a previous marriage and was treated as a son by the decedent. The address given as

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Rickie White's by the decedent is the same address to which a letter requesting a copy of a birth certificate for Rickie White was directed by the Navy following the death of Joseph White, Jr., and a copy of a birth certificate was received by the Navy, certifying, however, the birth of Rickie Weeks. Finally, a disinterested witness has stated that Rickie P. White and Rickie P. Weeks are the same person, and no one, including Joseph J. White, III, has claimed that they are not. Therefore, it appears that when the decedent designated Rickie P. White as one of the beneficiaries of any compensation that might be due him from the Government at the time of his death, he intended to designate the person whose name is actually Rickie P. Weeks. In cases such as this, that is, where a beneficiary's name is incorrectly listed but it is clear from the evidence pertaining to the issue, who was meant, our Office has held that the intended beneficiary is entitled to receive the share that the decedent authorized to be paid said beneficiary. See B-172904, July 2, 1971. Therefore, since it appears that Rickie P. Weeks is the person whom the employee, Joseph White, Jr., intended to receive a share of any compensation due him at his death, Rickie P. Weeks is the person entitled to receive that share. Accordingly, the disallowance of the claim of Joseph J. White, III, to that share must be sustained.

**E. F. KELLNER**

**Deputy Comptroller General  
of the United States**