

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-184959

DATE: FEB 2 1976

MATTER OF:

John R. Gilbert - Claim of contractor's
employee under Meritorious Claims Act

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DIGEST:

Employee of Government contractor,
pursuant to Meritorious Claims Act
of 1928, 31 U.S.C. § 236 (1970),
claims value of household goods aban-
doned when he fled South Vietnam im-
mediately prior to fall of country.
Remedy provided by Meritorious Claims
Act is extraordinary one that is
limited to extraordinary circumstances.
Employee's claim does not contain such
elements of legal liability or equity
as would warrant reporting to Congress
under Meritorious Claims Act.

This action is at the request of John R. Gilbert, an employee
of Pacific Architects and Engineers, Inc. (contractor), a company
that worked for the Department of State in Vietnam under United
States Government contract DAGA01-75-C-5005.

Mr. Gilbert states that due to the conditions existing im-
mediately prior to the fall of the Republic of South Vietnam, he
was required to work long shifts which made it difficult to make
arrangements to have his household goods removed from South
Vietnam; Then, due to the sudden collapse of South Vietnam, he
was required to depart the country without his household goods
and other personal possessions. Therefore, he requests that his
claim for the value of his household goods and personal possessions
be considered as a meritorious claim.

The Meritorious Claims Act, 31 U.S.C. § 236 (1970), states
that:

"When there is filed in the General
Accounting Office a claim or demand against
the United States that may not lawfully be
adjusted by the use of an appropriation
theretofore made, but which claim or demand
in the judgment of the Comptroller General
of the United States contains such elements

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B-184959

of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit the same to the Congress by a special report containing the material facts and his recommendation thereon."

The remedy provided by the Meritorious Claims Act is an extraordinary one, and its use is limited to extraordinary circumstances. Mr. Gilbert is an employee of a Government contractor and, as such, the Government is not legally liable for the losses of his personal property, absent negligence attributable to the Government. We see no basis on which to distinguish Mr. Gilbert's loss from those which may be suffered by other employees of Government contractors who might be similarly situated. See B-183208, June 30, 1975. Therefore, while we can appreciate the circumstances surrounding the loss of Mr. Gilbert's personal property, we do not consider his claim to contain such elements of legal liability or equity as would warrant reporting them to the Congress under the Meritorious Claims Act of 1928. Accordingly, no action will be taken by this Office to report the claims to the Congress for such consideration.

R. F. KELLER

Deputy]

Comptroller General
of the United States