

DOCUMENT RESUME

03818 - [B2914175]

[Claim for Payment of Accrued Unused Leave from Military Service during World War II]. B-19C192. October 13, 1977. 2 pp.

Decision re: Henry E. Short; by Paul G. Dembling, Acting Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Military Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Department of the Army.

Authority: Armed Forces Leave Act of 1946 (60 Stat. 965, as amended; 37 U.S.C. 34 (Supp. IV)).

Former Army member requested payment for unused leave alleged to be due at his discharge in 1945. The claim was not paid because it was not filed within the required time period, and there was no authority for payment even though the claimant contended that the claim was filed in time but was apparently lost. (S7)

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**DECISION**



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

FILE: B-190192

DATE:

OCT 13 1977

MATTER OF: Mr. Henry E. Short

**DIGEST:**

Claims for payment of accrued unused leave as a result of military service during World War II are governed by the provisions of the Armed Forces Leave Act of 1946, as amended, 37 U.S.C. 34 (1946 and Supp. IV, 1951), which requires that members discharged prior to August 9, 1946, must make claim to the Secretary prior to June 30, 1951, in order to receive payment. Therefore, where a claimant merely contends he made a timely filing but offers no proof of that fact, there is no authority for payment of the claim.

This action is in response to a letter dated March 20, 1977, from Mr. Henry E. Short, concerning his entitlement to receive payment for unused leave believed due at his discharge from the United States Army in 1945.

The matter of this claim was the subject of a settlement by our Claims Division dated May 31, 1959, which disallowed his claim for the reason that there was no showing that an application for such pay had been made to the Secretary on or before June 30, 1951, the last date authorized for the filing of such a claim under section 3 of the Armed Forces Leave Act of 1946, August 9, 1946, ch. 931, 60 Stat. 965, as amended, 37 U.S.C. 34 (1946 and Supp. IV, 1951).

The claimant contends he made a claim for that pay in 1951 while living in the Monroe, Michigan area, but that it was apparently lost.

Section 34 of title 37, United States Code (Supp. IV, 1951), authorizes the settling and compensating for unused accrued leave and provides in pertinent part:

"(a) Leave to which enlisted members of the armed forces discharged prior to \* \* \* August 9, 1946, are entitled under the provisions of section 31a of this title shall, to the extent not taken, be settled and compensated for \* \* \* if application is made to the Secretary not later than June 30, 1951 \* \* \*."

**2-100183**

The file indicates that the claimant was discharged from the United States Army on July 7, 1945. At that time there was no authority to pay members of the Armed Forces for unused leave, however, the Armed Forces Leave Act of 1948 provides for payment for such leave. As indicated in the above quotation, in order for any claim to have been favorably considered, application had to have been made on or before June 30, 1951.

While the claimant has contended that he made a timely filing for payment of that leave, the earliest correspondence concerning this matter known to this Office was postmarked September 25, 1951, and sent from Monroe, Michigan. We were advised by the Department of the Army that they had no record of a timely claim from the member for the leave payment he believes is due.

Accordingly, based on the information before us, there is no authority for payment of the claim, and the action taken by the Claims Division is sustained.

Acting

**Comptroller General  
of the United States**