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R. Little

**DECISION**



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

**FILE: B-191120**

**DATE: May 17, 1978**

**MATTER OF: Request for Advance Decision  
by Disbursing Officer, Corps  
of Engineers**

**DIGEST:**

The Comptroller General will not render a decision on the merits of a request from a disbursing officer for a decision under the provisions of 31 U.S.C. § 74 unless either a specific voucher is in question or the matter is of a general and recurring nature.

The Disbursing Officer for the U. S. Army Corps of Engineers, Baltimore District, has requested an advance decision on a claim filed by the Maryland Casualty Company. Maryland Casualty's claim arises out of its payment surety agreement with Douglas K. Tracy, Inc. (Tracy), prime contractor on contract No. DACA 31-74-C-0068.

The statutory authority under which this Office renders decisions to disbursing officers is 31 U.S.C. § 74 (1970) which provides in pertinent part as follows:

"§ 74. \* \* \*

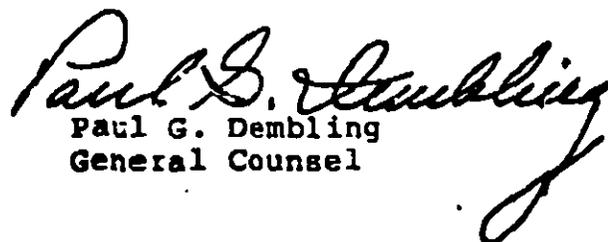
Disbursing officers, or the head of any executive department, or other establishment not under any of the executive departments, may apply for and the Comptroller General shall render his decision upon any question involving a payment to be made by them or under them, which decision, when rendered, shall govern the General Accounting Office in passing upon the account containing said disbursement."

We have held that the above-quoted authority entitles a disbursing officer to a decision by the Comptroller General on a question of law involved in a payment under a specific voucher which has been presented for payment and which should accompany the submission to this Office. 22 Comp. Gen. 588 (1943); 26 Comp. Gen. 797 (1947); See Request for Advance Decision by Certifying Officer, National Park Service, B-191329, April 28, 1978, 78-1 CPD. No voucher has accompanied this request for a decision.

When the question presented by the disbursing officer is general or recurring in nature, this Office will treat the request as one from the head of an agency and will provide a decision to the head of the agency on the theory that our comment on contemplated actions is appropriate on broader policy questions. 4 Comp. Dec. 332 (1898); 26 Comp. Gen. 787 (1947); 55 Comp. Gen. 297 (1975), n.

The question presented by the disbursing officer is whether Maryland Casualty is entitled to \$4,160.00 allegedly erroneously paid to Tracy. While the agency's counsel's opinion would not be "binding" on the question of the Corps liability, 55 Comp. Gen. 297 (1975), the question presented here appears to be a matter which should be referred through departmental channels for resolution. In the event the matter is not resolved within the department, the department head may refer the matter to this Office for a decision in accordance with 31 U.S.C. § 74 (1970).

Accordingly, we will not render a decision on the merits of the request.

  
Paul G. Dembling  
General Counsel