

DECISION



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

~~11222~~ 11222 PLM-1

[Applicability of Statute of Limitations to Claim for Severance Pay]

FILE: B-193895

DATE: August 23, 1979

MATTER OF: Beverly M. MacRae

DIGEST:

Adjudication of Claims Division is sustained where limitations period was correctly applied pursuant to 31 U.S.C. 71a (1976), and we are unable to find any provision of law, or regulation made pursuant to law, that would support entitlement theory advanced on appeal.

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Ms. Barbara Greer, Staff Representative, Harris County (Texas) AFL-CIO, acting on behalf of Ms. Beverly M. MacRae, a former employee of the Federal Aviation Administration, has appealed the denial of Ms. MacRae's claim for additional compensation and for severance pay by our Claims Division in Settlement Certificate Z-2795573, dated July 28, 1978.

At the outset the appeal challenges the application of the statute of limitations contained in 31 U.S.C. 71a (1976) to the consideration of Ms. MacRae's claim. Upon review we affirm the following analysis presented in the Settlement Certificate:

"The act of October 9, 1940, 54 Stat. 1061, as amended, provides that any claim not received in the General Accounting Office within 6 years after the date the claim accrued is barred from consideration. The date of accrual of a claim for compensation, for the purpose of the act, is the day the services were performed, and such claim accrues on a daily basis. See 29 Comp. Gen. 517 (1950). Filing a claim with any other Government agency does not satisfy the requirements of the act. Because your claim was received in our Office on May 24, 1978, the portion for the period before May 24, 1972 is barred under the explicit language of the act and we may not consider it. The General Accounting Office has no authority to waive the application of the act, and thus we may not make any exceptions to its provisions."

The letter of appeal also contends as follows:

"We are told in your Civil Service Personnel Manual there is a provision stating when an employee retires and within 1 year of that time those duties performed by that employee are up-graded the retired employee is entitled to be compensated for such."

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B-193895

We are not aware of any such statement in either the Civilian Personnel Law Manual issued by this Office, or in the Federal Personnel Manual issued by the U. S. Office of Personnel Management, and we are unable to find any provision of law or regulation that would support such a contention.

Having reviewed the administrative record-including all of Ms. MacRae's submissions-we find nothing which was not fully considered in our Claims Division's Settlement Certificate. Accordingly, the denial of Ms. MacRae's claim is affirmed.


Deputy Comptroller General
of the United States