

DECISION

118476
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-206845

DATE: May 25, 1982

MATTER OF: Mme. Ho Ngan - Claim for compensation--
Barring Act

DIGEST: The Act of October 9, 1940, 54 Stat. 1061, as amended by section 801 of Pub. L. No. 93-604, 68 Stat. 1965, January 2, 1975, codified at 31 U.S.C. § 71a provides that every claim or demand against the United States cognizable by the General Accounting Office must be received in that Office within 6 years from the date it accrued or be forever barred. Under that provision of law, as a condition precedent to a claimant's right to have his claim considered by the General Accounting Office, his claim must have been received in this Office within the 6-year period. Accordingly, controversial claim for compensation for use of rental property accruing between 1965 and 1971, which was filed in the General Accounting Office in 1981, is barred by the above-cited Act and may not be considered by this Office.

The Office of the Chief of Engineers, Department of the Army, submits the claim of Mme. Ho Ngan for \$1,451,518 for certain rental entitlements and \$185,450 for misappropriated furniture which Mme. Ho Ngan claims are outstanding and due her in connection with occupation by United States Government personnel of a hotel located at 107-A Dong-Khanh Boulevard, Cholon, Vietnam from January 1, 1965, to June 15, 1971. The claim was received in this Office on November 27, 1981.

As the administrative record of this action amply attests, the substance of Mme. Ho Ngan's claim is far from settled. There are issues involving disputed ownership of the hotel, as well as controversial accountings and conclusory allegations which are unsubstantiated by evidentiary documentation or analysis. However, we do not reach the merits of this claim as our consideration is precluded by operation of law.

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The Act of October 9, 1940, 54 Stat. 1061, as amended by section 801 of Pub. L. No. 93-604, 88 Stat. 1965, January 2, 1975, codified at 31 U.S.C. § 71a provides that every claim or demand against the United States cognizable by the General Accounting Office must be received in that Office within 6 years from the date it accrued or be forever barred.

Under that provision of law, as a condition precedent to a claimant's right to have his claim considered by the General Accounting Office, his claim must have been received in this Office within the 6-year period. The fact that the claim might have been filed with the Army Corps of Engineers or referred to other Government officials at an earlier date does not constitute a legal basis upon which our Office may consider it, as the act makes no exceptions which would permit such claims to be considered. This Office does not have authority to waive any of the provisions of the Act or make any exceptions to the time limitations it imposes.

Since Mme. Ho Ngan's claim was received in this Office on November 27, 1981, more than 6 years from any date it accrued, it is barred by the above-cited Act and may not be considered by this Office.

William J. Jordan
for
Comptroller General
of the United States