



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

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B-158336

DEC 21 1966

Directorate of Quality Examination
Accounting and Finance Center
Department of the Air Force
Denver, Colorado 80205

Gentlemen:

Further reference is made to AFAPC Form 610-13, dated October 21, 1966, requesting review and reconsideration of the claim of [REDACTED], for basic allowance for subsistence for the period from July 19, 1964, through May 16, 1965, while assigned to 474th Field Maintenance Squadron, Cannon Air Force Base, New Mexico. Such claim was disallowed by settlement certificate dated November 15, 1965, and that settlement was sustained by our decision of March 8, 1966, B-158336. ✓

The facts of the case are set out in full in our March 8, 1966, decision and need not be repeated here. The gist of the disallowance and of our decision is that before favorable action may be given the claim, it must be shown that the airman was currently granted permission to ration separately by his installation commander or by an officer to whom such authority had been properly delegated. We also restated the general rule that in order for verbal orders to be accepted as a basis for payment of public funds, such orders must be confirmed in writing within a comparatively short time while the commanding officer would have a fresh recollection of the events involved.

The sole basis for the preparation of another voucher and resubmission of the claim for review and reconsideration is a statement made April 7, 1966, by Lieutenant Colonel James M. Campbell, USAF, retired, the airman's commander at the time he reported to Cannon Air Force Base, as follows:

"I hereby state that it was my practice to approve all requests to ration separately submitted to me by the enlisted personnel of the 474th Field Maintenance Squadron when they resided with their dependents. I would have only withheld such permission under the most extreme contingencies. My disapproval would have been such a rare exception that I have no doubt in stating that I would remember the instance. I, therefore, state that I did not disapprove any request of AIC [REDACTED] K. [REDACTED] to ration separately

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and that any request to ration separately, submitted by Airman [REDACTED] at the time in question, should be considered as having been approved by me as his Commander at that time."

The failure of Colonel Campbell to recall disapproval of a request by the airman to ration separately does not in itself establish that such request was actually submitted to that officer for his consideration and was approved by him.

While Sergeant David A. Loadwick has stated that "Permission was granted and AF Form 220 was submitted through channels to the Base Finance Office for posting on Airman [REDACTED]'s Military Pay Records," that form was never received in the finance office. Such statement may not be accepted in lieu of an unequivocal avowal by Colonel Campbell that the application was approved by him prior to its loss. Thus the information that has been furnished does not affirmatively establish that the requirements of the applicable law and regulations were fulfilled.

Accordingly, we must adhere to the views expressed in our decision of March 8, 1966, and the voucher forwarded with your request of October 21, 1966, will be retained here.

Sincerely yours,

FRANK H. WEITZEL

Assistant Comptroller General
of the United States