



B-156368

APR 12 1965

[REDACTED]

Dear Mrs. [REDACTED]

Reference is made to your letter of March 3, 1965, in reply to a letter from the Claims Division, General Accounting Office, dated February 26, 1965, affirming the disallowance of your claim for part of the proceeds of Social Security Check No. 82,597,330, dated January 3, 1964, for \$71, to the order of [REDACTED], now deceased.

Although you acknowledge our record of a divorce decree granted to you by the District Court, Pittsburg County, Oklahoma, dated June 6, 1931, you continue to assert your claim as the widow of [REDACTED] and state you lived with him until the date of your arrest, June 21, 1961. In order to overcome the presumption that between the date of the divorce decree and his death on January 3, 1964, you were not his wife, you must offer positive proof that either the divorce decree was set aside or is effective, or you were remarried to him by a ceremonial or common law marriage.

A common law marriage comes into existence in Oklahoma upon an agreement to become husband and wife, which is immediately carried out by entering into and maintaining the marital relation. Open and notorious cohabitation of the parties is evidentiary of a marriage agreement. Quinton v. Webb, 207 Okl. 133, 248 P2d 586 (1952). The minimum proof acceptable to this Office by which you could establish such a marriage would be affidavits submitted by persons having knowledge that you and [REDACTED] held yourselves out to be husband and wife and were so known in the community.

Very truly yours,

FRANK E. WEINER

Assistant Comptroller General
of the United States