



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON 25

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B-132802

NOV 1 1957

Mr.  
U. S. Naval Ammunition Depot  
Hawthorne, Nevada

Dear Mr. :

Your letter of July 30, 1956, reference 512:APC:rd 116-1, payroll identification #72, addressed to the Comptroller, United States Naval Ammunition Depot, Hawthorne, Nevada, has been forwarded to our Office by the Navy Regional Accounts Office, Washington 25, D. C. You request reconsideration of our settlement dated June 27, 1957, which disallowed your claim for pay for additional overtime alleged to have been worked on three overseas assignments during the period September 10, 1948, to September 1, 1952.

The record shows that during your overseas assignments, covered by the foregoing period, you were paid for all overtime up to 60 hours per week, and denied any overtime in excess of 60 hours per week in accordance with the pay limitation provisions of section 603(b), of the Federal Employees Pay Act of 1945, as amended, 59 Stat. 255. Such action was in accordance with our decision in 26 Comp. Gen. 658 (B-63473, March 5, 1947), which decision had been administratively determined applicable to you because you were an ungraded employee paid on an annual or monthly basis. Your claim for the additional overtime arose because of our decision, 34 Comp. Gen. 512 (B-120383, April 12, 1955), wherein it was held that the maximum salary rate limitations contained in section 603(b) of the foregoing act no longer would be adhered to respecting monthly and per annum wage-board employees. *use 901*

As a result of the latter decision you made claim for the overtime in excess of 60 hours per week that you allege you worked during such period. The information of record shows that the attendance records for the periods here involved no longer are in existence. You say your own personal time records were consumed in a fire which destroyed your possessions in 1953. You have attempted to prove your claim by furnishing affidavits executed by fellow workers attesting to your having worked in excess of 60 hours per week during such overseas assignments.

In view of the affidavits furnished by you and since you supplied the names of certain individuals in the Department of the Navy familiar with your case, we took the matter up with that Department in an effort

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to secure additional information. We have received information showing that during the overseas assignments you were directed by the Bureau of Ordnance to report weekly the actual time worked. By your own admission, because of the limitation in Navy Civilian Personnel Instructions 85.9, you did not report in excess of 60 hours per week. Thus, even if the administrative records covering the periods in question were now available, they would not serve to verify your claim because of your failure to comply with instructions. Also the information furnished by the Bureau of Ordnance shows that Mr. Troutman, who has furnished you an affidavit in support of your claim, during the time you were at Oran, Algiers, and Bizerte, Tunisia, was assigned to Fort Lyautey, French Morocco, and it is not understood how he would know how much time you worked in excess of 60 hours per week as reported by you. The affidavits furnished by Mr. O'Connor and Mr. Henderson contain no information showing overtime as claimed by you.

In view of the foregoing, it is evident that no clear basis exists upon the present record for the allowance of your claim. Therefore, the disallowance of your claim is sustained.

Very truly yours,

Joseph Campbell  
Comptroller General  
of the United States