

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

FILE: B-158930

DATE: FEB 24 1975

MATTER OF: Salvador C. Suplido - Claim for overtime
Compensation

DIGEST:

Under the doctrine of res judicata, which applies to a repetitious suit involving the same cause of action, a valid judgment on the merits constitutes an absolute bar to a subsequent action on the same claim or demand as the cause of action has been extinguished in the court proceedings.

This action is in response to a request for reconsideration of our Transportation and Claims Division (now Claims Division) settlement of June 8, 1966, which disallowed the claim of Mr. Salvador C. Suplido for overtime compensation for work performed in excess of 40 hours a week as a Filipino marine employee of the Eighth U.S. Army, Korea.

The claim of Mr. Suplido for overtime compensation for hours worked in excess of 40 hours a week was considered in the case of Marte et al. v. United States, Civil No. C-70-2675-RHS (N. D. Cal., April 3, 1974). The judgment of the court in that case was that the plaintiffs take nothing by their complaint and the defendant, the United States, shall have judgment entered for it. This action constituted a judicial determination of Mr. Suplido's claim on its merits and since the judgment has become final the matter of his claim is now res judicata. The doctrine of res judicata applies to repetitious suits involving the same cause of action. The doctrine is to the effect that a valid judgment rendered upon the merits constitutes an absolute bar to a subsequent action on the same claim or demand. It is final as to the claim or demand in controversy and such claim or demand cannot again be litigated. A judgment has the effect of putting an end to and extinguishing the cause of action which was the basis of the proceeding in which the judgment was rendered. See Max Bander v. United States, 161 Ct. Cl. 475 (1963), and the Supreme Court and legal authorities therein cited. 47 Comp. Gen. 573 (1968).

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In view of the foregoing we are without authority to reconsider Mr. Suplido's claim.

R.F. KELLER

Deputy Comptroller General
of the United States.