



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

975

B-177377

DEC 23 1972

Dear Mr. Chairman:

Reference is made to your letter of November 2, 1972, requesting our views on H. R. 17229, a bill for the relief of Master Gunnery Sergeant [REDACTED], United States Marine Corps (retired).

The bill would relieve Sergeant [REDACTED] of his liability to the United States in the amount of \$443.23, stated to represent over-payments paid to him while on active duty in the United States Marine Corps as a result of administrative error by Government personnel, and without fault on his part. The bill would also relieve any certifying officer or disbursing officer from liability for the amount for which Sergeant [REDACTED] is relieved of liability and would authorize and direct the Secretary of the Treasury to pay to Sergeant [REDACTED] an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him with respect to the above indebtedness to the United States.

Basically, Sergeant [REDACTED] indebtedness resulted from an over-payment for unused leave at the time of his release from active duty and an administrative failure to charge him pay and allowances for two periods of excess leave during his last period of enlistment.

We have examined the records of Master Gunnery Sergeant [REDACTED], [REDACTED], on file at the Marine Corps Finance Center (MCFC), Kansas City, Missouri. After such examination, we have noted that the total indebtedness of Sergeant [REDACTED] actually is in the gross amount of \$551.81. The amount of \$443.23, stated in H. R. 17229, is the net amount of the indebtedness after the Marine Corps had deducted charges to cover FICA (\$17.28) and withholding tax (\$91.30).

Under the authority conferred upon our Office by the act of October 2, 1972, Public Law 92-453, 86 Stat. 758, we have considered the matter and in view of the facts and circumstances involved in the case, indicating no fault on the part of Sergeant [REDACTED], we have decided to waive the claim of the United States against him in the amount of \$551.81. The Secretary of the Navy is being informed of this action by letter of today, copy enclosed, and is being requested to inform Sergeant [REDACTED] of this action and his right to claim, under the act, any amount of the indebtedness which may have been repaid.

vgb

B-177377

In view of our action in the matter of the overpayments, the need for relief legislation no longer exists.

Sincerely yours,

PAUL G. DEMBLING

Acting Comptroller General
of the United States

Enclosure

The Honorable Emanuel Celler
Chairman, Committee on the Judiciary
House of Representatives