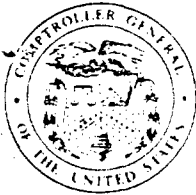


# DECISION



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

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NOV 19 1975

FILE: B-183541

DATE:

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MATTER OF: Major Thomas C. Dark, USA, Ret. - Claim for  
Cash Award Under Incentive Awards Program

DIGEST: Former member appeals Settlement Certificate denying claim for cash award incident to submission of three suggestions under Army's Incentive Awards Program. Suggestions were considered by officials vested with authority to approve cash awards, and General Accounting Office is without authority to challenge properly made administrative determination. Furthermore, claim which is not based on Incentive Awards Program but, rather, on this Office's settlement authority must also be denied since there is no independent authority for payment of such claim.

This action results from an appeal of a Transportation and Claims Division (TCD) Settlement No. PAZ-2561200-EGO-2, dated February 28, 1975. That settlement concerned the claim of Major Thomas C. Dark, USA, Retired, incident to certain suggestions he submitted to the Department of the Army under the Incentive Awards Program. The record indicates that Major Dark and Colonel William James submitted a total of six suggestions under the Department of the Army's Incentive Awards Program. The suggestions which are the subject of this appeal are: (a) M-68-174-J, "Order and Shipping Time," (b) 160-1823-72-1, "Procurement Lead Time Computation Procedures," and (c) 160-0267-73, "Order and Ship Time Span."

One of the suggestions, M-68-174-J, dated January 24, 1968, was favorably considered for adoption, and resulted in a cash award totaling \$3,100, divided 60 percent to Major Dark and 40 percent to Colonel James, who has since relinquished claim to awards resulting from the subject suggestions in favor of Major Dark. The remaining suggestions were not favorably recommended for consideration, despite several reviews of each suggestion at different levels in the Department of the Army.

Section 1124(a), title 10, United States Code (1970), enables the Secretary of Defense to authorize the payment of a cash award to a member of the Armed Forces "who by his suggestion, invention, or scientific achievement contributes to the efficiency, economy,

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or other improvement of operations or programs relating to the Armed Forces." The total of any such award is limited to \$25,000 by 10 U.S.C. § 1124(f) (1970), which states:

"(f) The total amount of the award, or awards, made under this section for a suggestion, invention, or scientific achievement may not exceed \$25,000, regardless of the number of persons who may be entitled to share therein."

Army regulations implementing the above-quoted statute (Army Regulation No. 672-20) have at all pertinent times delegated the basic authority to grant awards to activity commanders. Procedures were established whereby suggestions recommended for a substantial cash award would be forwarded for approval to major commanders and the Secretary of the Army and eventually to the Secretary of Defense.

It appears that a determination was made on each of the subject suggestions by the official delegated with the responsibility to approve awards. There is no indication that the suggestions were not given due consideration. On the contrary, each suggestion was reviewed a number of times. Since the authority to approve awards is vested with the above-mentioned officials, this Office is without authority to question the administrative determinations made by such officials. Accordingly, the appeal of the Settlement Certificate must be denied.

Major Dark states in his March 4, 1975 letter appealing the Settlement Certificate that his appeal is not based on the Incentive Awards Program. Rather, the claim is submitted for settlement independent of that program. However, the authority of this Office is such that we are required to settle claims pursuant to law. Article I, section 9 of the Constitution provides that "no money may be drawn from the Treasury, but in consequence of Appropriations made by law." We are unaware of any authority other than 10 U.S.C. § 1124 which would permit payment of the subject claim.

R.F.KELLER

Deputy,      Comptroller General  
                 of the United States