

DECISION

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

60337

FILE: B-184422

DATE: DEC 30 1975

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MATTER OF: Mr. Monroe Wayne, Jr.

DIGEST:

Claim for proceeds of class E allotment checks never received by member's mother during his active service in the United States Army is denied pursuant to paragraph 10.1 title 4 of the General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, since allotment rolls were destroyed by Finance and Accounting Center, United States Army, in accordance with law and available information is insufficient to establish the liability of the United States and the member's right to payment.

This action is in response to a letter dated June 9, 1975, from Mr. Monroe Wayne, Jr., addressed to the Office of Secretary of the Army, Department of the Army, which was forwarded to this Office for reply since that letter, in effect, requested reconsideration of the action taken by the Transportation and Claims Division of this Office dated March 4, 1975, in the matter of his claim for reimbursement for class E allotment checks which he contends he authorized but were never received by the proper recipient, his mother.

The file indicates that Mr. Wayne enlisted in the United States Army on August 2, 1952, and later authorized separate class E allotments for both his mother and his father. In 1973 he filed claim with the United States Army Finance Support Agency (now the United States Army Finance and Accounting Center) for reimbursement of amounts deducted from his pay during this period, contending that while his father did receive certain checks issued in his name, none were ever received by his mother during the period July 1954 - March 1955.

In response to that claim, an attempt was made by the Claims Branch of the Finance and Accounting Center to locate substantiating military pay records and pay vouchers; however, the file indicates that books in the voucher library of the Center went back only to January 1965. Additionally, the file indicates that bond and allotment ledgers prior to October 1963 had been

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destroyed in accordance with disposal regulations. As a result, it could not be determined whether the checks in question were ever issued or the amount of the allotment was ever withheld from the member's pay for the period under consideration.

The file shows that Mr. Wayne's claim was referred to this Office on July 29, 1974, and was disallowed by Transportation and Claims Division settlement of March 4, 1975, on the basis that the records necessary to either prove or disprove his claim had been destroyed pursuant to law or had become unavailable due to a lapse of time.

In his letter to the Department of Army, dated June 9, 1975, the member advises that he is unable to furnish any additional information necessary to substantiate his claim.

Paragraph 10.1, title 4 of the General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies provides as follows:

"Claims are settled on the basis of the facts as established by the Government agency concerned and by evidence submitted by the claimant. Settlements are founded on a determination of the legal liability of the United States under the factual situation involved as established by the written record. The burden is on the claimants to establish the liability of the United States, and the claimants' right to payment. The settlement of claims is based upon the written record only."

While the burden of proof as to the validity of a claim against the United States, generally, is on the person asserting such claim, information as to its existence is usually found in records maintained by the Government. However, it has been long established that where, as in the present case, the records necessary to justify or refute a claim have been destroyed pursuant to law, the accounting officers of the Government may not give the matter favorable consideration where the claimant has failed to act thereon for a long period of years. Thus, in cases where there is insufficient information given by a claimant to identify and establish a claim, there is no further action that this Office can take in the matter.

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Accordingly, the action taken by our Transportation and Claims Division in this case, is sustained.

R. F. Keller

Deputy, Comptroller General
of the United States