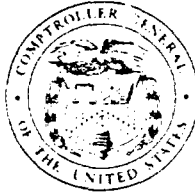


**DECISION**

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

61115

98311

FILE: B-185748  
MATTER OF:

DATE: JUL 12 1976

Robert W. Poisal -- Claim for Retroactive  
Compensation

**DIGEST:**

Employee of National Security Agency files claim with his employing agency in June 1975 for back-pay for the period for July 1966 to July 1969. Claim is not received at General Accounting Office until January 1976 and may not be considered since act of October 9, 1940, as amended, prohibits payment of claim if presented to this Office more than 6 years after the date the claim accrued.

This action is in response to the request for an advance decision by Ms. Irene C. Addicks, a special disbursing agent of the National Security Agency, United States Department of Defense, regarding the claim of Mr. Robert W. Poisal for retroactive compensation for the period from July 1966 to July 1969. The question presented is whether the claim is barred by the statute of limitations.

The record indicates that Mr. Poisal filed a claim for retroactive compensation with his employing agency by a memorandum dated June 24, 1975. An administrative determination was made on September 8, 1975, that the employee had served in a position warranting an increase, and the claim and supporting documents were received by the special disbursing agent on October 22, 1975. The request for an advance decision was delayed because it was inadvertently forwarded to the Per Diem, Travel and Transportation Allowance Committee before being received in this Office on January 19, 1976.

The act of October 9, 1940, 54 Stat. 1061, 31 U.S.C. 71a, 237 (1970), as amended by Title VIII of Pub. L. 93-604, approved January 2, 1975, 83 Stat. 1965, provides that effective July 3, 1975, every claim or demand cognizable by the General Accounting Office shall be forever barred unless received in this Office within 6 years after the date such claim first accrued. Our Office has held that the date of accrual of a claim for the purpose of the above-cited statute is to be regarded as the day the services were rendered and that the claim accrues upon a daily basis. 29 Comp. Gen. 517 (1950). We have also held that for the purposes of the statute filing a claim with another agency

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does not constitute filing it with our Office. B-175711, October 12, 1972; and 32 Comp. Gen. 267 (1952). Therefore, since the claim was not received in this Office within 6 years from when it accrued, it is barred.

We note that it is possible that the claim might have been forwarded to this Office in a timely fashion, but we cannot overlook the fact that the employee nevertheless waited an inordinate amount of time before submitting the claim. We should point out that any other claims which have not been submitted to our Office and which might be affected by the time limitation contained in the statute of limitations should first be forwarded to our Claims Division for recording under Title 4 of the GAO Manual, section 7.1, after which they will be returned to the administrative agency for payment, denial, or referral back to GAO for adjudication.

Accordingly, the claim may not be paid.

Paul G. Dembling

For  
Comptroller General  
of the United States