

6770

B. L. L. L. L.
CP

DECISION



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

FILE: B-189181

DATE: June 20, 1978

MATTER OF: James M. Bedore - Interest

DIGEST: Claim by former employee of Agency for International Development (AID) that interest be paid on award of overtime compensation found due for period employed by AID in Vietnam is denied. Payment of interest by Government is permitted only if expressly provided for by contract or statute.

This decision is in response to a request by Mr. James M. Bedore for reconsideration of his claim for interest in connection with the payment of \$3,154.89 by our Claims Division in its settlement actions of November 23, 1977, and February 7, 1978. The aforesaid sum was payment for 349 hours of overtime work performed by Mr. Bedore while assigned to Country Operations Rural Development Support in Vietnam as an employee of the Agency for International Development, Department of State, during the period January 22, 1972, through March 17, 1973. In the settlement action of February 7, 1978, it was stated that no interest is payable on such claims. The claimant specifically contends that the Government is liable for the payment of interest on the sum paid due to the long delay in processing and settling the claim.

It is the well-established rule that interest on claims against the United States, even where payment has been unreasonably delayed, does not follow automatically upon the allowance of the claim. Interest can be recovered against the United States only if expressly provided for by contract or when allowance of interest is specifically directed by statute. United States v. James, 301 F. Supp. 107 (1969); United States v. Mescalero Apache Tribe, 207 Ct. Cl. 369 (1975). Also, 53 Comp. Gen. 824 (1974); id. 264 (1973). We find no contractual or statutory provision that authorizes an award of interest with respect to this claim. See 28 U.S.C. §§ 2411, 2516, 2674; 31 U.S.C. § 724a. The claim for interest must therefore be denied.

In light of the denial of payment of interest on the award of overtime compensation and the request of the employee for information concerning the manner in which this decision may be appealed, we

B-189181

state that the decisions of this Office are binding upon the executive departments and agencies of the Government. However, the United States District Courts and the United States Court of Claims have jurisdiction to consider certain claims against the Government within specified time limitations for filing suit. 28 U.S.C. §§ 1346(a)(2), 1491, 2401, and 2501.


Acting Comptroller General
of the United States