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UNITED STATES GENERAL ACCOUNTING OFFICE

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WASHINGTON, D.C. 20548

Released

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OFFICE OF GENERAL COUNSEL

B-190664

JUN 26 1978

c/o John B. Mann, Esq.
Suite 2120, Central National
Bank Building
Richmond, Virginia 23219

Dear

This is in response to the letter of June 1, 1978, from your attorney, Mr. John B. Mann, in which he makes a counteroffer of \$5,500 in settlement of your case. By letter of May 10, 1978, B-190664, we offered you \$3,189.60 in final settlement of your claim for damages incurred in an accident on December 31, 1975, involving an automobile driven by you and an automobile driven by Ms. Janet M. Keller, an employee of the United States General Accounting Office.

In making the counteroffer, Mr. Mann contends that the original claim of \$2,915.04 for lost wages (of which \$2,370.60 was included in our offer) is not sufficient since Dr. Charles E. Sutton had not concurred with Dr. Robert M. Pilcher's opinion that you could return to work as of March 24, 1976, and had not released you from his care.

It is your contention that because of the lack of concurrence by Dr. Sutton and the nature of the injury, a settlement of \$5,500 is warranted. You have not, however, presented any new evidence to warrant either a change in our prior determination or acceptance of your counteroffer. Dr. Sutton's concurrence with Dr. Pilcher's opinion that you could return to work is not the overriding factor in determining when you could in fact return. You were referred to Dr. Pilcher by Dr. Sutton and Dr. Pilcher's opinion must be viewed as evidence of your ability to resume working. According to Dr. Pilcher's statement of May 14, 1976, all examinations performed on March 23, 1976, were negative and you did not complain about neck pains. He advised you at that time that you could return to work.

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In view of the above, we feel our offer for \$3,189.60 in final settlement of your claim was reasonable and appropriate. Pursuant to 28 C.F.R. § 14.9(a), please be advised that if you are dissatisfied with this offer, you may file suit in an appropriate U.S. District Court not later than 6 months after the date of this letter.

Sincerely yours,

~~Paul G. Dembling~~

Paul G. Dembling
General Counsel