



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

B-177564

June 22, 1973

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Technical Sergeant Arthur B. Hunt
Box 71, 757 Radar Squadron
Blaine Air Force Base, Washington 98230

Dear Sergeant Hunt:

We refer to your letter, with enclosures, dated October 19, 1972, which was forwarded to our Office by the Accounting and Finance Officer, McChord Air Force Base, in which you claim reimbursement of \$358.20. You state that this amount was erroneously collected from you by the Air Force following a Notice of Exception from this Office holding that you had been overpaid in 1968 for a cost of living allowance for a period during 1964 and 1965.

In 1968 you claimed a cost of living allowance for the period from June 11, 1964, to May 27, 1965. You state that during that period you were assigned to the 744 ACW Squadron, Murphy Dome, Alaska, while your wife and daughter resided in Palmer, Alaska. On April 1, 1968, you were paid \$1,452.50 as a cost of living allowance for the above-stated period. On April 19, 1968, you were paid an additional \$612.50, covering the same period, in order to bring the daily rate to \$5.90. On September 13, 1968, Notice of Exception No. 900075 was issued by our Defense Division stating that you had been overpaid a total of \$358.20 since the correct daily cost of living allowance rate for an E-5, with two dependents, at your station (within the 4th Judicial District of Alaska) was \$4.80 from June 11, 1964, to August 31, 1964, and was \$4.90 from September 1, 1964, to May 26, 1965.

You do not now claim that the rates or amounts set forth in Notice of Exception No. 900075 were incorrect but rather that the overpayment was received in good faith and without any fault on your part.

The Air Force has forwarded your claim for consideration under the provisions of the Meritorious Claims Act of 1928, as codified in 31 U.S.C. 236, which provides that when a claim is filed in this Office that may not be lawfully adjusted by use of an appropriation

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therefore made, but which claim, in the judgment of the Comptroller General, contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit such claim to the Congress with his recommendations.

On the record before us we are of the opinion that your claim does not contain such elements of legal liability or equity as would warrant reporting it to Congress since the amount you received in April 1968, less the amount collected as a result of the Notice of Exception, was all that you were entitled to under the applicable regulations. Therefore, no action will be taken to report the claim to the Congress for consideration.

Sincerely yours,

PAUL G. DEMBLING

For the Comptroller General
of the United States