



19366 ms, Cotter

UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-204348

September 3, 1981

Mr. Ronald D. Eckman
12511 Stem Lane
Bowie, Maryland 20715

Dear Mr. Eckman:

This is in response to your claim for property damage resulting from an accident on July 9, 1981, in Washington, D.C., involving Mr. John B. Miller, an employee of the United States General Accounting Office.

The record before our Office shows that Mr. Miller, while driving a Government-owned automobile on K Street, made a "U turn" at the intersection of Cecil Place. Your vehicle was parked across from this corner. In making the turn, Mr. Miller did not have enough clearance and scraped the left front door and fender of your vehicle, taking off the chrome strip and slightly denting the door and fender. You are claiming the amount of these repairs.

Our examination of the evidence on record in this case indicates that you are entitled to the amount of \$335.87, the lesser of the two estimates you submitted. A check in this amount will be issued and mailed to you shortly.

You are advised that section 2672 of title 28, United States Code, which authorizes the settlement of claims of the type here involved, provides:

"The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the government whose act or omission gave rise to the claim, by reason of the same subject matter."

018514

B-204348

Therefore, acceptance of the check in the amount of \$335.87 will constitute a complete release to the Government and to Mr. John B. Miller from any further liability to you for damages arising from this accident.

Sincerely yours,

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

Memorandum

September 3, 1981

TO : Acting Chief, Administrative Finance Section, OBFM - Judith Czarsty

FROM : Acting General Counsel - *Harry R. Van Cleve*
Harry R. Van Cleve

SUBJECT: Claim of Ronald D. Eckman for Damage to Automobile-B-204348-O.M.

A claim has been received from Mr. Ronald D. Eckman, 12511 Stem Lane, Bowie, Maryland 20715, for damage to his automobile resulting from an accident on July 9, 1981, involving Mr. John B. Miller, an employee of the General Accounting Office.

From an examination of the evidence presented, we believe that Mr. Eckman is entitled to the amount of \$335.87. A voucher should be prepared for payment of this amount in the name of Mr. Ronald D. Eckman at the above address.

Copies of our letter of today to Mr. Eckman and an internal memorandum setting forth the basis for payment are attached for your information and file.

Attachments

Memorandum

August 21, 1981

TO : Associate General Counsel - Rollee Efros *Noted RE*

THRU : Assistant General Counsel *for* Robert Hunter *Robert J. Centola*

FROM : Legal Assistant - Judith R. Cotter *J.R. Cotter*

SUBJECT: Claim of Ronald D. Eckman for damage incurred in automobile accident involving Mr. John B. Miller, GAO employee-B-204348-O.M.

The attached claim involves a GAO employee, John B. Miller, who was involved in an automobile accident in Georgetown, Washington, D.C., on July 9, 1981, while engaged in official duties within the scope of his employment. The employee was driving a Government-owned vehicle when the accident occurred.

The accident for which claim has been made occurred while Mr. Miller was driving in the vicinity of the intersection of K Street and Cecil Place, NW. He made a U turn at this intersection and struck Mr. Eckman's vehicle which was parked across from this corner. In making the U turn, Mr. Miller did not have enough clearance and scraped the left front door and fender of the parked vehicle, taking off the chrome strip and slightly denting the door and fender. There were no injuries involved.

Upon striking Mr. Eckman's car, Mr. Miller left the scene of the accident. The D.C. Police Department conducted a "hit and run" investigation and identified Mr. Miller as the driver of the Government vehicle. Mr. Miller subsequently admitted liability. We have no idea what further disciplinary action, if any, GAO may be contemplating, but Mr. Eckman has stated, in a letter dated August 7, 1981, accompanying his claim, that his main concern is having his car repaired and that he does not feel that any further prosecution is necessary or desirable.

Mr. Eckman submitted two repair estimates--\$336.32 and \$335.87. It seems clear that the Government is liable and we therefore recommend allowance of the claim. The amount recommended for payment is \$335.87, the lower of the two estimates, which appears reasonable for the actual damage sustained and is well within the "blue book" average retail value for a 1977 Pontiac Firebird Esprit (\$4,225).

B-204348-O.M.

In accordance with the foregoing rationale and our existing procedures, a memorandum to the Chief, Administrative Finance Section, OBFM, has been prepared and is attached, authorizing payment in the amount of \$335.87. A letter to the claimant advising him of our decision is also attached. All the essential elements of the Federal Tort Claims Act (28 U.S.C. § 2672) being present, both attachments are presented for signature by the General Counsel to whom the Comptroller General has delegated this authority.

Attachments