



[REDACTED] - ml
COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

Released 694

B-191093

FEB 16 1978

The Honorable Peter W. Rodino, Jr.
Chairman, Committee on the Judiciary
House of Representatives

Dear Mr. Chairman:

This is in response to your letter of January 11, 1978, requesting our views on H.R. 10412, a bill for the relief of Sergeant First Class [REDACTED], United States Army (Retired).

The bill directs the Secretary of the Treasury to pay to Sergeant [REDACTED], out of any funds in the Treasury not otherwise appropriated, \$379.26, in full settlement of all claims of Sergeant [REDACTED] against the United States for travel allowances for the travel of himself and his family from Fort Bliss, Texas, to Ambridge, Pennsylvania, during the period of February 16 through 20, 1970.

Sergeant [REDACTED] was retired from the Army on September 1, 1969, under 10 U.S.C. 3914 (1970), at Fort Bliss, Texas, with over 23 years of active service. During the period of February 16 through 20, 1970, Sergeant [REDACTED] and his dependents traveled from El Paso, Texas, to Ambridge, Pennsylvania. According to Sergeant [REDACTED], he and his dependents performed this travel with the intent of taking up residence in Ambridge. Although the [REDACTED] returned to El Paso apparently within a fairly short time, Sergeant [REDACTED] statement that he and his family intended to make Ambridge their home at the time of their travel thereto, is supported by the fact that he worked for the Ambridge Plant of American Bridge, a division of the United States Steel Corporation, from March 31 through April 9, 1970. American Bridge's records indicate that Sergeant [REDACTED] stated at the time he quit his job there, that his reason for doing so was dissatisfaction with it.

It appears that Sergeant [REDACTED] would have been entitled to the sum in question if his claim had been received here in time, since his travel to Ambridge with his dependents appears to have met all requirements for entitlement to home of selection travel allowances as provided under 37 U.S.C. §§ 404 and 406 (1970).

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In June of 1975 Sergeant [redacted] filed a claim with the Army for travel allowances for the travel to Ambridge. By a letter dated November 6, 1975, the Army denied Sergeant [redacted] claim for the reason that it was under the impression that Sergeant [redacted] and his family had not actually performed the travel in question. Sergeant Koper then submitted a letter from American Bridge stating that he had been employed there, as mentioned above, as proof that the travel had been performed. The Army forwarded Sergeant [redacted] claim to this Office by a transmittal dated February 17, 1976. His file was received here on March 4, 1976. Accordingly, our Claims Division sent Sergeant [redacted] a letter informing him that his claim was barred under 31 U.S.C. § 71a (Supp. V, 1975) since it had not been received at this agency within 6 years from the date it accrued.

In July 1976 the Army asked that we reconsider Sergeant [redacted] claim since it was its fault that his claim did not arrive at this Office in time. In response, our Claims Division, in a letter dated August 18, 1976, informed the Army that this agency is without authority to make exceptions to the provisions of 31 U.S.C. § 71a. Congressman Richard C. White, the sponsor of the bill in question, was also informed of our inability to allow Sergeant [redacted] claim in a letter to him dated December 30, 1976, from our Claims Division.

Enactment of this legislation will result in preferential treatment for Sergeant [redacted] over others similarly situated.

Sincerely yours,

R.T. [redacted]

Denny

Comptroller General
of the United States

STATUTES OF LIMITATION
Claims
Military matters and personnel
Travel expenses

LEGISLATION
Private
Military personnel
Relief
Preferential