



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

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B-191757

NOV 22 1978

The Honorable Howard W. Cannon
United States Senate

Dear Senator Cannon:

This is in further response to your letter of October 30, 1978, concerning the claim of Petty Officer

On January 6, 1978, the Claims Division of this Office denied waiver of indebtedness to the United States in the amount of \$1,137.48, arising out of erroneous payments of basic allowance for quarters (BAQ) for the period May 30 through December 31, 1975. appealed that action in a letter dated February 10, 1978. In our decision B-191757, July 24, 1978, copy enclosed, we sustained the action taken by our Claims Division denying the waiver.

Our decision B-191757, supra, was based upon the premise that the provisions of 10 U.S.C. 2774 (1976) which authorize waiver of debts of military members in certain instances provide that if there exists in connection with the claim, an indication of fault or lack of good faith on the part of the member, the Comptroller General may not exercise his authority to waive any claim.

The facts upon which this decision was based are more fully set forth in the enclosed decision. Stated briefly, waiver was denied because the record showed that was at least partially at fault since he knew or should have known from the information supplied to him by his leave and earnings statements (LES) that he was receiving BAQ at a time when he and his family were occupying Government quarters. Also for consideration was the fact that a military member, especially one who is not new to the service, should be aware of his approximate pay entitlement and should recognize when he is receiving over \$150 per month more than his entitlement.

The letter forwarded to your office from dated September 27, 1978, presents no new evidence which was not fully considered in connection with the prior action taken in his case.

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We regret that we could not reach a determination more favorable to your constituent. However, it is considered that under the laws, regulations and facts in this case, waiver of the debt to the United States is not warranted.

We trust this will serve the purpose of your inquiry.

Sincerely yours,

~~RECEIVED~~

~~Deputy~~ Comptroller General
of the United States

Enclosure