



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

Released

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B-191316

The Honorable Richard C. White
House of Representatives

DEC 4 1978

Dear Mr. White:

This is in further reference to your letter dated October 30, 1978, on behalf of [redacted] in which you requested that we review [redacted] correspondence and additional information supplied by him to validate his marriage to [redacted]

This Office is always willing to reconsider denied claims upon receipt of new evidence. We have reviewed the correspondence and other information supplied by [redacted]

Concerning the copy of the Criminal Investigation Division report dated February 14, 1977, which [redacted] has furnished, a copy of that report was in our file and considered by us when we prepared the September 27, 1978 decision. The file before us also showed that divorce proceedings had been instituted although copies of the petition for and decree of divorce between [redacted] and [redacted] were not in the file. The petition alleges that the parties were "informally married in October 1970" and the court apparently accepted that allegation and granted the divorce. However, the question as to whether the alleged common-law marriage met the requirements of Texas law, as is discussed in our September 27 decision, apparently was not an issue in the divorce proceedings and was not considered by the court. In that connection it is noted that although [redacted] asserted a common-law marriage based upon cohabitation in 1970, he did not file for recognition of the alleged informal marriage until 1976. In that connection, in [redacted] rebuttal to our decision he states that, except when she visited him with her children, the only times he lived with [redacted] during the period he alleges they were married, were for the periods October-December 1970, April 14-28, 1971, and August 10-15, 1971.

In neither the filing of informal marriage nor the divorce action did the Texas court have reason to question the assertions of the petitioner.

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The additional evidence supplied does not remove the doubt concerning whether a common-law marriage actually existed between the member and beginning in October 1970 so as to permit payment of the claim for various items of military allowances and benefits based on that alleged marriage.

An individual may take other action to obtain a favorable ruling on his claim. The United States District Courts and the United States Court of Claims have jurisdiction to consider certain claims against the Government if appropriate action is filed within 6 years following the date the claim first arose. See 28 U.S.C. 1346, 1491 (1976).

We trust that this serves the purpose of your inquiry and regret that a response more favorable to your constituent cannot be given.

Sincerely yours,

R. T. KELLER

Deputy Comptroller General
of the United States