

B-260092

February 15, 1995

The Honorable Craig Thomas
United States Senator
Federal Building, Room 2015
Cheyenne, WY 82001-3631

Dear Senator Thomas:

This responds to your December 13, 1994, letter requesting our review of Mr. [redacted] letter to your office, which you enclosed, regarding problems he encountered with a claim for loss of personal property to federal service.

Mr. [redacted] states that he is an employee of the Federal Highway Administration (FHWA) whose personal car was destroyed in an accident while he was engaged in official business. He submitted a claim for the loss of the vehicle to his agency pursuant to the Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. § 3721 (1988). The agency denied his claim based on the finding of the Regional Counsel that Mr. [redacted] was negligent because he had been speeding. Mr. [redacted] then appealed that determination to our Claims Group, which advised Mr. [redacted] that the General Accounting Office has no jurisdiction to settle or review claims of other agencies' employees under the Claims Act.

The Military Personnel and Civilian Employees' Claims Act authorizes the "head of an agency" to settle and pay not more than \$25,000 for a claim against the government made by an employee of the agency for damage to, or loss of, personal property incident to service, provided, among other things, that "no part of the loss was caused by any negligent or wrongful act of the claimant." 31 U.S.C. § 3721(a), (b), and (e). The Act also specifically provides that settlement of a claim under its provisions is "final and conclusive." 31 U.S.C. § 3721(k). We have interpreted this section to preclude our review of an agency's settlement of a claim made under this Act. See 60 Comp. Gen. 633 (1981). Therefore, as our Claims Group advised Mr. [redacted], we have no jurisdiction to review the FHWA's disallowance of his claim. Federal courts have held that they, too, have no jurisdiction to consider a claim under this Act. See e.g., Talstrom v. United States, 3 Cl. Ct. 106 (1983).

The information enclosed with your letter does not state whether Mr. [redacted] sought review of the Regional Counsel's finding within the agency. If not, he may wish to consider

pursuing the matter further within the FHWA. We know of no other administrative or judicial avenue of appeal in Mr. 's case.

Enclosed are copies of the two decisions cited above.

We trust this is responsive to your inquiry.

Sincerely yours,

\s\ Seymour Efros
for Robert P. Murphy
General Counsel

Enclosures