



Office of the General Counsel

B-253452

March 10, 1994

Auditor  
Tri-State Motor Transit Company  
P.O. Box 113  
Joplin, Missouri 64802

Dear Mr. :

This refers to your letter on behalf of Tri-State Motor Transit Company dated December 14, 1993, and our response dated December 22, 1993.

In our December 22 letter, we agreed that Tri-State would have until January 31, 1994, to present evidence or comment proving that it timely filed a supplemental bill (\$144) for vehicle detention under Government Bill of Lading transaction D-0,595,240. To date, we have not received any additional evidence or comments from you in this matter; therefore, we assume that you are not offering additional support.

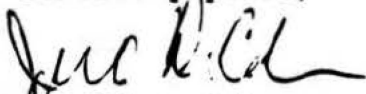
Under 31 U.S.C. § 3726(a) (copy enclosed), a claim for additional charges must be received by the Administrator of General Services (or his designee) no later than 3 years from the latest of: accrual of the claim; payment for the transportation; refund for an overpayment; or deduction for an overpayment. The record indicates that the former United States Army Finance & Accounting Center paid the original bill in this transaction on October 10, 1989; therefore, a supplemental bill had to be received by October 10, 1992. In an unsupported statement you contend that you transmitted Tri-State's claim to the General Services Administration by UPS next-day delivery service on October 9, 1992, but the official record indicates that your claim was stamped as received by GSA on October 15, 1992.

The burden is on the claimant to present evidence of receipt of a claim in the proper office within the statutory period of limitations; the claimant must establish the clear legal liability of the United States and the right to payment. See Peralta Shipping Corp., B-197661, May 22, 1980.

Your unsupported statement is not the type of evidence that would overcome the agency's report on this issue. See McNamara-Lunz Vans and Warehouses, Inc., 57 Comp. Gen. 415,

419 (1978). Your claim is barred because there is no indication that Tri-State filed it before October 15, 1992, at GSA or at any Department of Defense office which might have acted as the designee of the Administrator. Accordingly, there is no need to address the second issue, the requirements of Item 78 of the Military Traffic Management Command's Freight Traffic Rules Publication No. 1A with respect to the proper office in which to file a claim for such accessorial services like detention.

Sincerely yours,



Jerold D. Cohen  
Acting Associate General Counsel

Enclosure

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**DIGEST**

The burden is on the claimant to present evidence of receipt of a claim in the proper office within the statutory period of limitations; the claimant must establish the clear legal liability of the United States and the right to payment. An unsupported statement by a claimant carrier that it transmitted its claim by a commercial next day delivery service 1 day before the last day on which the claim might have been timely filed is not clear evidence of timely filing.