



Office of the General Counsel

B-255005

February 25, 1994

Dear Mr. \_\_\_\_\_ :

This is in response to your letter of August 28, 1993, appealing the August 23 settlement by our Claims Group that denied your claim for Sea Duty Pay for the period May 26, 1943, through December 28, 1945, because the claim is barred by 31 U.S.C. § 3702(b) (1). You enclose with your letter a copy of a document indicating that the character of your Naval service was upgraded on May 11, 1989.

The upgrade has no bearing on whether your claim for Sea Duty Pay may be considered. The reason is that the issue in your case is not whether you were entitled to Sea Duty Pay, but rather whether, under the law, your claim can be considered at this time. Every claim against the United States that could be considered by the General Accounting Office is barred unless the claim is received here within 6 years after the date the claim accrued. An exception is made for claims that were not barred by June 15, 1989, and which were filed with the claimant's own agency within the 6-year period, but that exception obviously does not apply in your case.

The purpose of the 6-year Barring Act is to relieve the government of the need to retain and go back over old records for the purpose of settling old claims. No matter how meritorious a claim may be, our Office has no authority to waive the provisions of the law or to make exceptions to the time limit.

In sum, the Claims Group correctly advised you that your claim cannot be considered because it is time-barred.

Sincerely yours,

Jerold D. Cohen  
Acting Associate General Counsel