

B-1192480.M. Apr. 14, 1954

GENERAL ACCOUNTING OFFICE

WASHINGTON 25

MAR 9 - 1954

Released

547

ION OF AUDITS

ACT-D

The Comptroller General

Exception in the amount of \$100.40 was stated against [REDACTED], the certifying officer on voucher 304689, June 1952 account of [REDACTED], for the reason that old-age insurance benefits for January and February 1952, paid to [REDACTED], account No. [REDACTED], may not be allowed because the payee did not attain retirement age of 65 years until March 1952.

Social Security Administration Form OA-C101 submitted in support of the payment shows that claim for old-age insurance benefits was filed by the payee on May 8, 1952, on which basis it was determined under the provisions of Section 202 (j)(1) of the Social Security Act Amendments of 1950, that he became entitled to such benefits in November 1951 but since deductions under Section 203 (b) were applicable for November and December 1951, the award, under item 12 was made effective January 1952. However, since the Form OA-C101 also shows that Mr. [REDACTED] was born on [REDACTED] and, therefore, did not attain retirement age of 65 years until March 1952, he was not entitled to benefits prior to March 1952. See Section 202 (a), 64 Stat. 482.

In reply to the exception, it is stated that the erroneous payment for January and February 1952 was not noticed prior to the death of [REDACTED] on July 6, 1952, nor prior to the payment of the lump-sum death benefit awarded to his widow, [REDACTED], on July 17, 1952; that efforts to recover the amount of the overpayment from the wage earner's estate and [REDACTED] were unsuccessful, and that adjustment will be made against any benefits which may become due [REDACTED] in the future.

Mr. [REDACTED] requests relief for the amount of the overpayment under section 2 of the act of December 29, 1941, upon the basis that the certifying officers in the Philadelphia Area office are four in number; that in the performance of their duties and the delegation of authority to them, the certifying officers do not adjudicate or otherwise pass on the sufficiency or the correctness of the determination of award, nor do they review the award form for accuracy to ascertain whether there are any defects upon its face which would preclude certification of payment and that due to the large number of schedule payment items which a certifying officer may certify each month, and in addition to the periodic payment

certifications, it is not administratively feasible for him to personally assure himself that each and every item is proper for certification. It is further stated in connection with the request for relief that the Form OA-C101, Determination of Award, is the official record to which the certifying officer would have recourse in determining whether the amount shown on the voucher was correct and due the payee; that his review, if made, would have extended only to the information shown in item 12 on that form and it would not have been brought to his attention that a discrepancy existed between the amount payable and the amount which should have been certified.

Social Security Administration Form OA-C101 submitted with the voucher in support of the payment contained adequate information to permit a proper determination that no benefits were lawfully due for January and February 1952 and as corrections had been made thereon the certifying officer was on notice that as originally prepared the information thereon was inaccurate, in which event, the proper exercise of diligence and inquiry would have revealed the error. The request for relief is based on the contention that in view of the circumstances recited the only requirement of Mr. [REDACTED] under his duties as certifying officer was to perform the ministerial act of signing his name to the voucher. As this concept of the duties of the certifying officer is repugnant to the provisions of the act and defeats its purpose and as it appears that he was not diligent and did not make proper inquiry, it is recommended that the relief requested under Section 2 of the act of December 29, 1941, be denied.

However, in the event it is determined that the certifying officer may be relieved, as requested, on the basis that the certification was based on an award upon which he was authorized to rely, it is recommended that this division be authorized to grant relief to certifying officers in similar cases where the record shows that such cases otherwise meet the requirements of B-101353-O.M., dated February 9, 1951, and class 2 listed therein.

(Signed) E. W. BELL

E. W. Bell
Associate Director of Audits

Enclosure:

Voucher 304689

B-119248-O.M.

Indorsement

APR 14 1954

549

Director of Audits

Returned. It seems clear from the report of the Federal Security Agency, Social Security Administration, that under the prevailing agency procedures certifying officers do not adjudicate or otherwise pass upon the sufficiency or the correctness of the determination of award, and they are not expected to review the award form for accuracy to ascertain whether there are any defects thereon which would preclude certification of payment. In this connection it is noted that Form OA-C101 "Determination of Award," the certification of which was a direct responsibility of certain personnel other than the certifying officer, contains the following statement:

"I certify that pursuant to lawfully delegated authority I have verified the above statements with the supporting evidence on file in this office; that I have computed all amounts and that same are correct as shown; and that all indicated benefit(s) are in accordance with the provisions of title II of the Social Security Act, as amended."

It is further reported that due to the large number of schedule payment items which a certifying officer may certify each month it would be impracticable for him to assure himself that each and every item is proper for certification. Furthermore, the error is not so obvious that the certifying officer, considering the bulk of the voucher, could reasonably be expected to detect it, in the absence of a detailed reaudit by him of the records forwarded to him for certification. Therefore, since it appears that the certifying officer, in the exercise of reasonable diligence and inquiry under the reported circumstances, was expected to rely upon the official award before him, relief may be granted to him as to the instant overpayments under the provisions of section 2 of the act of December 29, 1941, 55 Stat. 875. Also, similar cases may be considered to fall within classes 2 and 4 of B-101353-O.M., February 9, 1951 and relieved under the authority therein delegated to your division if otherwise proper thereunder.

FRANK H. WEITZEL

Acting Comptroller General
of the United States

Enclosure