



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON 25, D.C.

8-151432-O.M.

June 3, 1963

CLAIMS DIVISION

IN REPLY PLEASE QUOTE

PA-116124-45-2

APR 29 1963

The Comptroller General

Herewith is the file relative to the claim of Clyde A. Kay, Colonel, United States Air Force, Retired, for refund of \$270.00, which he donated to the Treasurer of the United States on November 21, 1959.

The officer in letter dated February 21, 1963, indicated that he was under the impression that as of September 30, 1959, he reverted from the temporary grade of colonel to his permanent grade of lieutenant colonel, and that due to changes of address, he had not received the orders.

On November 21, 1959, he drew two personal checks for \$135.00 each, payable to the Treasurer of the United States, with the notation on the checks, "Gift" and in parenthesis the explanation that the amount represented the difference in pay for the months of October and November 1959, between present salary and what it would have been had he not been promoted from next lower.

The Treasury Department, in letter dated March 8, 1963, reports that the two checks, each in the amount of \$135, representing this gift, were received without a letter of transmittal, and deposited into the Treasury for credit to the account "201299 Gifts to the United States, not otherwise classified".

In view of the action taken in A-94562 June 6, 1938 and in Claim E-1054775 (which is attached) it would appear that this claim is also for disallowance. However, since the matter is not free from doubt, the claim is submitted for your consideration and instructions.

A. R. WISE

Acting Chief, Payment Claims Branch

Enclosure

c/ta

A03061

B-151132-0.N.

JUN 3 - 1963

Indorsement**Director, Claims Division**

Returned. The claim should be disallowed. The descriptive material or explanation on the face of the checks gives no indication that the amounts of the checks were not unconditional gifts to the Government. Since they were accepted as such and covered into the "not otherwise classified" gifts account, there is no authority for payment to the claimant in the absence of an appropriation by the Congress.

FRANK H. WEITZEL**Assistant Comptroller General
of the United States****Attachments**