



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

523868

October 26, 1982

In Reply
Refer to: B-182180(BRP)

The Honorable Alan Cranston
United States Senate

DO NOT WRITE IN THESE SPACES

Dear Senator Cranston:

We refer to your letter of September 15, 1982, in which you request that this Office consider a communication addressed to the Comptroller General of the United States by Mr. Jim L. Hudson, a former Case Manager at the Federal Correctional Institution, Bureau of Prisons, Terminal Island, California, concerning his claim for compensation for 3,443.75 hours of overtime work allegedly performed by him during the period 1958 until 1973. You ask that we review his concerns and advise your office of the status of his claim.

Mr. Hudson does not have a claim for overtime compensation pending with this Office at the present time. The issues presented by Mr. Hudson were the subject of our decision, Jim L. Hudson, B-182180, January 6, 1982, copy enclosed. We are also enclosing copies of the decisions of this Office cited in Hudson. We have carefully reviewed the communication from Mr. Hudson and are unable to find any issues which were not fully considered in rendering our decision in his case. Our decision was based upon all of the evidence presented by Mr. Hudson as well as the Bureau of Prisons. As we stated in Hudson, at page 7, our review is restricted to the written record and further that the claimant has the burden to establish the elements of his claim and the liability of the United States.

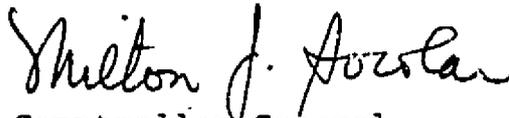
In our decision of January 6, 1982, we concluded that the Warden of Terminal Island was or should have been aware that Mr. Hudson was performing overtime work and that a "tacit expectation" existed on his part that such work would be accomplished. However, the written record does not show that the Warden ordered or approved or actively induced Mr. Hudson to perform overtime work in order to effectively complete his work assignments. We may not, in derogation of our statutory duties,

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sanction the payment of claims of doubtful validity where, as here, there is insufficient evidence to prove that overtime work for which compensation is claimed was ordered or approved by an agency official with competent authority to do so. Accordingly, and based upon the written record before us, we may not authorize the payment of overtime compensation to Mr. Hudson.

We regret that we are unable to render a decision which is favorable to your constituent.

Sincerely yours,

A handwritten signature in cursive script that reads "Milton J. Forster".

Acting Comptroller General
of the United States

Enclosures