

**DECISION**

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

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FILE:

DATE: AUG 3 1976

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MATTER OF: <sup>E-183900</sup>

Mr. Len Dock Louie

**DIGEST:**

Where Government records relating to existence of claim were destroyed by fire, and there is no other documentation available from any source to prove or disprove the validity of a claim, this Office has no alternative but to disallow the claim.

This action is in response to a letter dated March 13, 1975, from Mr. Len Dock Louie and to a letter dated December 10, 1975, from his wife, Shui Yee Lam, in effect requesting a review of the settlement of our Claims Division, dated November 19, 1974, which disallowed Mr. Louie's claim for a class Q allotment believed due his wife incident to his service in the United States Army during the period of the Korean Conflict.

The records show that Mr. Louie entered the United States Army on March 6, 1951. It is his contention that he applied for, and was granted, a class Q allotment for his wife and son who were residing in mainland China at that time. Mr. Louie contends that since his wife resided in a blocked country, the funds could not be paid to her and were set aside to be paid to her upon her arrival in the United States. Mr. Louie was discharged from active duty on March 5, 1953.

On September 14, 1972, Mr. Louie advised the United States Army Finance and Accounting Center that his wife had come to the United States on December 20, 1970, and requested that the allotment monies be paid. He was advised to submit his claim to our Claims Division and did so by letter of September 12, 1974.

Following an investigation of his claim by our Claims Division, Mr Louie was advised by them that all family allowance records in his case had been destroyed in the fire which occurred at the National Personnel Records Center, St. Louis, Missouri, on July 12, 1973. An effort was made to locate records from other sources, but it was unsuccessful. Mr Louie was advised that his claim was disallowed on the basis that no records could be found to substantiate the claim.

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The burden of proof as to the existence and nonpayment of a valid claim against the Federal Government is on the person asserting such a claim. Ordinarily, proof of the validity of a claim can be found in Government records. However, in situations such as this, where records which may prove or disprove the validity of the claim have been destroyed, this Office has no alternative but to disallow the claim.

Accordingly, in view of the fact that all known records relating directly or indirectly to Mr. and Mrs. Louie's claim for a class Q allotment were destroyed by the fire at the National Personnel Records Center, St. Louis, Missouri, the action taken by our Claims Division in the matter is sustained.

R.F. KELLER

[Deputy] Comptroller General  
of the United States