

DECISION

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

FILE: B-185026

DATE:

MAY 27 1976

MATTER OF: Vernon D. Brotman - Claim for living quarters allowance

DIGEST: Employee files request for reconsideration 11 years after Settlement Certificate was issued by GAO Claims Division. This Office will not consider this to be a timely request and will not make a full legal review of the settlement. Nevertheless, consideration of employee's factual contentions reveals no new evidence warranting reversal of prior determination denying eligibility for living quarters allowance. Employee's presence in overseas area was not fairly attributable to employment by US firm, service in Armed Forces, study, or travel.

This action is in response to a request for reconsideration of the denial on August 12, 1964, by our Claims Division of the claim of Mr. Vernon D. Brotman for living quarters allowance (LQA) while stationed overseas. The claim was disallowed on the ground that the employee's presence in the overseas area (Okinawa) was not fairly attributable to employment by a United States firm, service in the Armed Forces, formal study, or travel.

Under our regulations, 4 C.F.R. 32.1 (1975), review of settlements is discretionary with the Comptroller General, and we have generally required that requests for review be submitted within a reasonable time. Without attempting to strictly define what constitutes a reasonable time, we do not believe that a request for reconsideration submitted 11 years after the date of the settlement is a timely request for reconsideration. However, while we will not conduct a full legal review of that settlement, we will examine Mr. Brotman's factual contentions regarding the settlement. B-164378, April 28, 1976.

The facts of this case are set forth in detail in the aforementioned Settlement Certificate and need not be repeated. Mr. Brotman contends that the reason he returned to Okinawa in 1952 was not to be with his family but rather to obtain visas in

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B-185026

order that his family might accompany him to the United States. Further, he argues that until his appointment to a position in Okinawa with the Department of the Army in 1953 he was employed by first a bakery and then a dry cleaning establishment which he characterizes as "activities operating for the benefit of the Government." As stated in the Settlement Certificate, the Department of the Army made an administrative determination that these two firms were not United States firms, interests, or organizations as contemplated under Army Civilian Personnel Regulation, CPR T7, paragraph 3-2a, in effect at that time. Mr. Brotman has offered no evidence which would establish that these two businesses were incorporated under United States law, and the fact that they were operating for the benefit of the United States overseas is not determinative for the purposes of the employee's entitlement to living quarters allowance.

Accordingly, we sustain the action of the Claims Division in disallowing Mr. Brotman's claim for living quarters allowance while stationed overseas.

R.F. KELLER

[Deputy] Comptroller General
of the United States