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GAO

United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-199168

MAY 23 1978

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PR
Mr. Melvin Gray
715 South Kingsley Drive
Los Angeles, California 90005

Dear Mr. Gray:

We have received your letters dated January 9, February 15, and 16, 1979, requesting reconsideration of our decision B-199168, November 9, 1977, concerning your claim for backpay believed due incident to your military service between the years 1963 and 1967. With your letters of January 9 and February 15, you enclosed copies of your pay records for the period of your active military service.

While the pay records indicate that your inactive service with the Illinois Army National Guard from November 5, 1963, to March 14, 1964, was not counted for pay purposes, apparently that information was available to you at the time of your release from active duty on July 31, 1967. The fact that a mistake was made on the DD Form 214 at the time of your release, which was later corrected by the Adjutant General, does not change the fact that your basic military records prior to July 1967, the date of your release from active duty, contained entries fully reporting and substantiating the inactive Illinois Army National Guard service. The fact that your pay records did not reflect credit for the inactive duty was a fact which was known to you or should have been known to you during the time you were on active duty as you received and signed your military pay vouchers.

It is unfortunate that you did not take action sooner to file a claim with our Office. However as pointed out to you in our November 9, 1977 decision and subsequent correspondence, the correction of the clerical error on your Form DD 214 did not create any new claim or legal entitlement since that corrective action on the DD Form 214 left unchanged the basic facts of your military service as set forth in your original military personnel records. Therefore, your claim which was first received in our Office nearly 10 years after it accrued, is barred from consideration by 31 U.S.C. 71a which requires that claims be received within 6 years after they accrue.



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Accordingly, there is no basis for us to change the determination in the November 9, 1977 decision that your claim is barred by 31 U.S.C. 71a.

Sincerely yours,

David P. Engstrom
For Edwin J. Monsma
Assistant General Counsel