

Transp. ?

DECISION



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

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FILE: B-193908

DATE: March 14, 1979

MATTER OF: G & J Trucking, Inc.

DLG 01182

DIGEST:

Since GAO is without authority to settle claims against the Postal Service, contractor's claim for price increase under Postal Service contract is dismissed.

G & J Trucking, Inc. (G&J), requested the Postal Service to modify a lease agreement that would increase the rental on an office building. The request was made on the grounds that inflation and the decreasing value of the dollar make the stipulated monthly rental of \$62.50 inadequate for the payment of taxes and insurance premiums, and for maintenance of the building. Further, G&J alleges that the rent received by lessors of other similar post office buildings exceeds the rent received by it by 600 percent. The Postal Service rejected the proposed increase and G&J requests review by the Comptroller General.

The Postal Service, in its letter to G&J, states that "the Comptroller General has ruled that no officer or employee of the Government can waive, modify or otherwise change the contractual obligations of either party without a compensatory benefit in return." This is a well-established rule which the Comptroller General consistently has applied in cases where the agency involved was subject to our claims settlement authority. See 40 Comp. Gen. 309, 311 (1960) and B-189121, November 30, 1977. However, the inference drawn from the Postal Service's statement that the Comptroller General can consider the merits of G&J's allegations is erroneous.

Our Office will not render a decision on this matter since the Postal Service is not subject to our claims settlement authority. Rather, 39 U.S.C. § 401(8) (1976), vests the Postal Service with authority to settle its own claims. Masonic Building Association, B-172531, February 24, 1976, 76-1 CPD 125; 53 Comp. Gen. 607 (1974). G&J's remedy, if any, is with the Postal Service or in the courts.

Milton J. Socolar
General Counsel

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