

**DECISION****DIGEST - L - mil****THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548****47****FILE: B-196632****DATE: December 4, 1979****MATTER OF: Sergeant****, USAF, Retired**

**DIGEST:** Claim for the unpaid part of a variable reenlistment bonus due a member of the Air Force at the time of his disability retirement in 1969, is barred from consideration by 31 U.S.C. 71a, since it was received in this Office more than 6 years from the date it accrued. This is the case even though the member was not aware of his claim until a much later date and records exist which would substantiate such claim.

This action is the result of an appeal from an action of our Claims Division. A claim for unpaid installments of variable reenlistment bonus (VRB) by Sergeant , USAF, Retired, was returned since it was not received in this Office within 6 years from the date it accrued. That action must be sustained for the following reasons.

Sergeant reenlisted in the Air Force on November 21, 1967, and became entitled to a VRB authorized under 37 U.S.C. 308. He received the first and second installments of the bonus totaling \$1,413 on November 21, 1967, and November 21, 1968. On October 16, 1969, he was retired for disability. At this time he was entitled to two additional installments of VRB, totaling \$1,413 and an unpaid payment of \$17.15. The administrative report from the Air Force indicates that the payment of \$17.15 was mailed to him, but returned and no better address was available.

Sergeant states that he lost his records in 1977, and requested copies from the Records Center in St. Louis, Missouri. On responding to his request, the Records Center informed him of the money due him. This has been confirmed by Air Force Accounting and Finance Center. His claim was forwarded by the Air Force to the Claims Division of this Office because of doubtful questions of law or fact. It was received in the Claims Division on January 25, 1979, and subsequently returned to Sergeant under the provisions of 31 U.S.C. 71a. Sergeant indicates that he has always received his retired pay in the mail from the Air Force Accounting and Finance Center.

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The act of October 9, 1940, 54 Stat. 1061, as amended by section 801 of Public Law 93-604, approved January 2, 1975, 88 Stat. 1965, 31 U.S.C. 71a, provides in part that every claim or demand against the United States cognizable by the General Accounting Office must be received in that Office within 6 years from the date it first accrued or be forever barred.

Under that provision of law, as a condition precedent to a claimant's right to have his claim considered by the General Accounting Office, his claim must have been received in this Office within the 6-year period. The primary purpose of the barring act is to relieve the Government of the necessity of retaining and going back over old records for the purpose of settling stale claims. This Office does not have authority to waive any of the provisions of the act or make any exceptions to the time limitations it imposes.

While it is unfortunate that Sergeant                      was unaware that the amounts were due him and even though it appears that records exist substantiating his claim, the fact remains that his claim began to accrue on his retirement and release from active duty in 1969. Since his claim was received in this Office in January 1979, more than 6 years from the date it first accrued, it is barred by the above-cited act and may not be considered by this Office.

*R. F. K. 11/1/79*  
Deputy Comptroller General  
of the United States