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PL-I

DECISION



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

FILE: B-196984

DATE: May 6, 1980

MATTER OF: Set Theoretic Information Systems, Inc. *DL 604503*

DIGEST:

Claimant has burden of proof to establish claim. Where conflicting statements of claimant and agency are only evidence, claimant's burden has not been met.

Set Theoretic Information Systems, Inc. (STIS), through its counsel, appealed our Claims Division disallowance of its claim for \$3,802.02 for personal services allegedly performed as a prime contractor of the Department of Commerce, Bureau of Census. *ACC002 of*

Our Claims Division denied the claim because there is no evidence that STIS was a contractor of the Bureau and if, at best, it was a sub-contractor of a Bureau contractor, there was no privity of contract between STIS and the Bureau.

STIS's basis for appeal is that its employees dealt directly with the Bureau and in the capacity of a prime rather than a subcontractor. While there is no dispute that the employees had direct contact with Bureau personnel, the Bureau does not corroborate that for the services involved in the claim it dealt with the employees as anything other than consultants of Infodyne, the prime contractor. Moreover, STIS has not furnished any document establishing it had a prime contractor relationship with the Bureau.

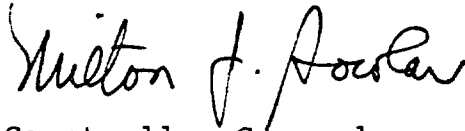
Although STIS maintains that the Bureau's position that STIS was not a prime contractor is self-serving, the rule with respect to claims against the United States is that the claimant has the burden of proof. Request for Advance Decision -- Architect of the Capitol, B-192326, November 30, 1978, 78-2 CPD 406; Gene Peters, B-185199, April 1, 1977, 77-1 CPD 225. Accordingly,

[Claim for PERSONAL SERVICES]

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where the claimant is unable to furnish evidence of a contract, express or implied, between itself and the Bureau and the conflicting statements of the claimant and the Bureau as to what kind of a relationship they both intended their personal contacts to establish constitute the only evidence, the claimant has not satisfied its burden. Request for Advance Decision -- Architect of the Capitol supra; Gene Peters, supra.

Therefore, the Claims Division disallowance of the claim is affirmed.

A handwritten signature in cursive script, reading "Milton J. Fowler".

For the Comptroller General
of the United States