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Vickers, P.L. I

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**DECISION**



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

*[Request for Reconsideration]*

FILE: B-198344

DATE: August 15, 1980

MATTER OF:

Cyber-Synectics Group, Inc. - *DLG04918*  
Reconsideration

DIGEST:

Where only evidence before GAO is conflicting statements of agency and claimant, claimant has failed to carry burden of affirmatively proving its allegation and prior decision denying claim is affirmed.

Cyber-Synectics Group, Inc. (CSG), has requested reconsideration of our decision in the matter of Cyber-Synectics Group, Inc., B-198344, July 9, 1980, 80-2 CPD     , which denied CSG's claim for \$64,909.56 for work it performed for the Media Task Force of the President's Commission on the accident at Three Mile Island.

Our prior decision found that the members of the Media Task Force who dealt with CSG did not possess contracting authority and, therefore, the only theory upon which CSG could be paid was on a quantum meruit basis. One of the elements necessary for recovery based on quantum meruit is a showing that the Government received a benefit. While CSG argued that the Task Force utilized the results of its computer services, the Task Force submitted statements that the work had to be redone by hand and was of no benefit to the Government. Therefore, CSG's claim was denied.

CSG contends, in its request for reconsideration, that our Office failed to consider evidence (copies of the computer-generated reports) which it offered to supply our Office and we accepted the Government's position without considering CSG's statements to the contrary.

We decide matters on the written record before our Office and do not, as suggested by the claimant, conduct adversary proceedings or conduct investigations to prove or disprove a party's allegation.

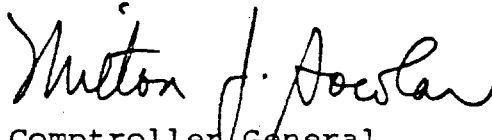
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While our Office does not question that CSG produced numerous reports, the critical question for payment on a quantum meruit basis is the benefit of the reports to the Government. Here, CSG argues that the Government utilized the reports in the work of the Task Force and the members of the Task Force contend that the work had to be redone by hand and, therefore, was of no benefit.

Accordingly, where there is an irreconcilable conflict between the agency's and claimant's position and the only evidence before us consists of these contradictory assertions, the claimant has failed to carry the burden of affirmatively proving its allegation. Arthur Young & Company, B-196220, March 17, 1980, 80-1 CPD 205.

Therefore, our decision of July 9, 1980, is affirmed.



For The Comptroller General  
of the United States