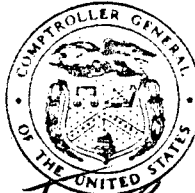


Dunn PLM I

DECISION



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

[Request for Reimbursement of Real Estate Expenses] 93

FILE: B-200699

DATE: March 2, 1981

MATTER OF: Jerry L. Courson - Transfer Expenses -
Barring Act

- DIGEST:**
1. On August 15, 1975, employee of National Credit Union Administration filed claim with his agency for real estate expenses incurred incident to change of permanent duty station in August 1972. Claim was held in agency and was not received in General Accounting Office until October 3, 1980. It may not be considered since Act of October 9, 1940, as amended, 31 U.S.C. § 71a, bars claims presented to GAO more than 6 years after date claim accrued. Filing claim with administrative office concerned does not meet requirement of Barring Act.

 2. General Accounting Office is without authority to waive or modify the application of 31 U.S.C. § 71a, as amended, which provides that every claim cognizable by GAO is barred forever if it is not received in GAO within 6 years after the date it accrued. In order to protect the interest of claimants, agencies should send all claims to GAO which have accrued more than 4 years prior to receipt. This is required by section 7.1 of title 4, GAO Policies and Procedures Manual for Guidance of Federal Agencies.

By letter dated October 2, 1980, which was received in the General Accounting Office on October 3, 1980, the Chairman, National Credit Union Administration, transmitted and requested an advance decision on the claim of Mr. Jerry L. Courson for reimbursement of real

114485

~~015764~~

B-200699

estate expenses incurred incident to a change of official duty station in August 1972. The expenses were incurred in September 1972 and February 1973. Mr. Courson submitted his claim to his agency on August 15, 1975.

The Act of October 9, 1940, 54 Stat. 1061, as amended by section 801 of Public Law 93-604, 88 Stat. 1965, approved January 2, 1975, 31 U.S.C. § 71a provides 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. 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.
B-171774, July 2, 1971.

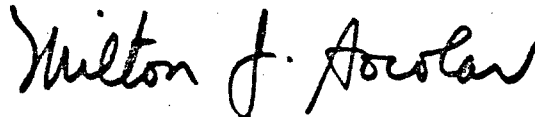
Since Mr. Courson's claim was received in this Office on October 3, 1980, more than 6 years from the date it first accrued, it is barred by the above-cited Act and may not be considered by this Office.

Further, we have consistently held that the filing of a claim with an agency does not toll the running of the statute, even though the delay at the agency level was the fault of the agency, not the employee. See 53 Comp. Gen. 148, at 155 (1973), and decisions cited therein. After the enactment of Public Law 93-604, which was effective July 2, 1975, reducing the limitation period from 10 years to 6 years, the director of our Claims Division, by letter dated March 14, 1975, instructed the heads of all agencies that claims received by them 4 years after the date of their accrual should be forwarded to our Claims Division.

B-200699

This instruction was later incorporated in an amended section 7.1, title 4, GAO Policy and Procedures Manual for Guidance of Federal Agencies. If, however, this instruction is not complied with, we are without authority to waive or modify the application of 31 U.S.C. § 71a. John B. Moore, B-187427, June 3, 1977, and B-171774, July 2, 1971.

Accordingly, the claim may not be paid.



For the Comptroller General
of the United States