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United States General Accounting Office
Washington, DC 20548

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Office of
General Counsel

In Reply
Refer to: B-202158

MAR 8 1981

The Honorable Thomas S. Martin
Acting Assistant Attorney General
Civil Division
Department of Justice

Attention: Gerald L. Elston, Esq.
Commercial Litigation Branch

Dear Mr. Martin:

Subject: BMCS James F. Dille v. United States
Ct. Cl. No. 354-80C
(File Reference: TSM:DMC:pam 154-354-80C)

Petitioner alleges that notwithstanding his contract with defendant concerning his tour of duty in the Retention Incentive Tours Program, which program allows highly qualified individuals to remain in the service while choosing a specific location and tour of duty, petitioner was ordered to relocate after 2 years of his 3-year tour of duty. In addition, petitioner alleges that although he completed an examination for advancement to the rate of BMCM, enlisted pay grade E-9, he could not advance to that grade unless he transferred to New York, which petitioner says is in violation of his contract with defendant. Petitioner seeks, among other things, enjoining defendant from interfering with his contract rights and from ordering him to relocate, and advancement to grade E-9 without being forced to accept another assignment.

There is no record of any claim having been filed in the General Accounting Office in connection with the matters set forth in the petition. Furthermore, we have no record of any counterclaim, setoff, or other demand which would furnish the basis of a cross action against the petitioner.



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We have no factual information other than that provided in the petition and, therefore, cannot comment on the petitioner's allegations. We assume the Coast Guard is providing your office with a full report on the matter.

If you need further information from this Office, please contact me at 275-6404.

Sincerely yours,

Marla Diamond

Marla Diamond
Attorney-Adviser