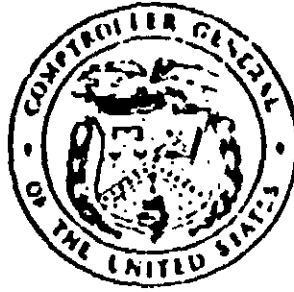


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DECISION



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

FILE: B-203927 **DATE:** September 7, 1982
MATTER OF: Foley Material Handling Co., Inc.

DIGEST:

Acceptance of a Government check offered in settlement of claim with knowledge of the basis upon which check was tendered constitutes an accord and satisfaction.

Foley Material Handling Co., Inc. (Foley), requests reconsideration of our October 3, 1980, settlement regarding Foley's claim for reimbursement for time and effort expended in performing services for the Defense Logistics Agency (DLA). We concluded that the amount of \$312 was allowable on a quantum meruit basis. DLA subsequently sent Foley a check for \$312, which we understand Foley has cashed. We further understand that a copy of our October 3, 1980, settlement was forwarded with the check.

We have reexamined our settlement in light of Foley's comments. We believe that it is factually and legally correct and that it was based on a full and careful consideration of the record. Foley's retention of the proceeds of the check and knowledge of the basis upon which the check was tendered (our October 3, 1980, settlement) constituted full accord and satisfaction of Foley's claim and precludes any further payment. 40 Comp. Gen. 261 (1960).

Accordingly, the claim is denied.

Milton J. Dowlan

Acting Comptroller General
of the United States