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DECISION



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

FILE: B-213498

DATE: May 14, 1984

MATTER OF: Major Roger W. Loder, USAR

DIGEST:

An Army Reserve officer claims payment for travel expenses incurred during a period of active duty for training in 1976. The claim first received in the General Accounting Office on August 26, 1981, is disallowed since in the intervening period between the performance of duty and request for payment, all Government records which would justify payment or refute nonpayment were lost or destroyed. The burden of proof absent such Government records is on the claimant and he has not furnished appropriate financial records documenting his entitlement to payment.

Major Roger W. Loder, USAR, requests reconsideration of our Claims Group's denial of his claim for reimbursement for travel expenses incurred during a period of active duty for training. Since Government records which would justify or refute the payment of the claim were either lost or destroyed in the intervening period between the time of travel and the filing of the claim and the burden of proof on the claimant to furnish evidence of validity or nonpayment has not been met, the denial is sustained.

Major Loder submitted a travel claim in December 1980 for per diem and transportation costs of attending active duty for training during the period April 30, 1976, through May 3, 1976. The claim, first received in the General Accounting Office on August 26, 1981, contains a statement by Major Loder that travel and finance records for the period were lost by the 5064 United States Army Reserve Garrison in 1980, but that in October 1980 he found the claim in records of the unit to which he was assigned during the years 1975-1977. He further contends that the claim has not been paid or rejected for payment. The United States Army Finance and Accounting Center computed the amount of the claim as \$337.50, but states that they have been unable to locate any records which would justify or refute payment of the claim.

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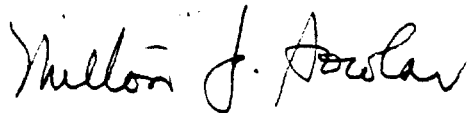
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Major Loder has not furnished any documenting evidence from financial records of any military organization to prove that he is entitled to the payment claimed. In addition, all Government records which would justify or refute payment of the claim have been either lost or destroyed during the period of nearly 5 years after the active duty.

The burden of proof as to the existence and nonpayment of a valid claim against the Federal Government is on the person asserting the claim. Matter of Bond, B-207041, September 8, 1982. Ordinarily, proof of the validity of a claim can be found in Government records. However, in situations such as this where Government records which may prove or disprove the validity of a claim are unavailable, and where the claimant's records or evidence do not establish that his claim was not paid we have no alternative but to disallow the claim.

Accordingly, since no evidence has been found by the Army or submitted by Major Loder documenting his claim, the denial of payment is sustained.



Acting Comptroller General
of the United States