

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

27212

FILE: B-213822**DATE:** January 17, 1984**MATTER OF:** Alan Stone Company**DIGEST:**

Request for remission of liquidated damages assessed by Department of the Army must be denied in the absence of a favorable recommendation by the head of the contracting agency involved.

Alan Stone Company, Inc. requests the remission of \$42,900 in liquidated damages assessed under contract No. DACW59-82-C-0072, awarded by the Army Corps of Engineers, Huntington District, Huntington, West Virginia. The liquidated damages were imposed on Stone for failure to complete its contract in the required number of days. The Army subsequently referred the request to our Office.

In its report to our Office, the Army recommends denial of Stone's request. Under 10 U.S.C. § 2312 (1982), the Comptroller General may remit all or part, as he considers just and equitable, of any liquidated damages assessed for delay in performing a contract made by the agency. However, a favorable recommendation by the head of the contracting agency is a prerequisite to any remission action by this Office. Morris Mechanical Enterprises, Inc., B-203315, May 29, 1981, 81-1 CPD 428.

Since the Army recommends denial, we must decline to grant the relief requested.

Handwritten signature of Milton J. Arolov in cursive.

Acting Comptroller General
of the United States

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