



United States  
General Accounting Office  
Washington, D.C. 20548

Office of the General Counsel

B-242597

July 22, 1991

Mr. Herman J. Leasum  
Pinkert, Smith, Weir, Jenkins & Nesbitt  
454 Kentucky Street  
P.O. Box 89  
Sturgeon Bay, Wisconsin 54235-0089

Dear Mr. Leasum:

This responds to your December 18, 1990 appeal on behalf of your client, Mr. \_\_\_\_\_, of our Claims Group's decision in Z-2904200, which involved a claim of the United States Navy for the collection of overpayments made to Mr. \_\_\_\_\_ while serving in the Coast Guard.

Upon review of the record, we find no error of law or fact in the Claims Group decision. We have consistently held that waiver of the collection of erroneous payments is precluded where the recipient was at fault in contributing to the error by failing to exercise reasonable judgment to either prevent the error from occurring or in allowing it to continue. Here, Mr. \_\_\_\_\_ was at fault for failing to examine his bank deposits, his Leave and Earnings Statements and by failing to resolve why his pay did not decrease as anticipated when he was assigned to sea duty.

Accordingly, the Claims Group decision is affirmed.

Sincerely yours,

James F. Hinchman  
General Counsel