



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

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Office of the General Counsel

B-244825

April 3, 1992

Dear Mr. \_\_\_\_\_ :

This is in response to your request as the great-grandson of Private \_\_\_\_\_, USA (Deceased), for reconsideration of our Claim Group's denial of a claim for arrears of pay allegedly due to Private \_\_\_\_\_ for service during the Civil War.

The claim arose from Private \_\_\_\_\_' service during the Civil War with the 55th Regiment, Company D of the Massachusetts Volunteers, a unit comprised of black soldiers. Private \_\_\_\_\_ enlisted on May 26, 1863, was mustered into the Union Army on May 31, 1863 and was killed at the Battle of Honey Hill, South Carolina on November 30, 1864. The claim is based on the difference in pay which black soldiers received (\$7 a month) in comparison to the \$13 a month white soldiers received during a portion of the war.

Our Claims Group denied the claim because it was barred under the act of December 22, 1911, 37 Stat. 47, 49, which provides that no claim arising out of service of volunteers who served in the Army of the United States during the Civil War would be considered unless filed by December 31, 1912.

You have now submitted a letter which Private \_\_\_\_\_ and 73 other members of Company D signed and addressed to President Abraham Lincoln on July 16, 1864, stating that they had been offered only \$7.00 per month for their service for the prior 13 months, which they had refused because it was not the same pay given other soldiers, and demanding the difference in the pay. You state that therefore the claim for the unpaid wages was filed prior to December 31, 1912 and should be considered.

While you have submitted a letter showing that Private \_\_\_\_\_ addressed his claim to the President on July 16, 1864, unfortunately we are still precluded from considering the claim. Ordinarily, proof of the validity of a claim can be found in government files. However, in situations where official records or other evidence which may prove or disprove the validity of a claim cannot be produced from

government files or elsewhere, because of the passage of time, the claim must be denied.  
B-217652, Mar. 18, 1985.

We regret that this claim cannot be further considered by our Office.

*for Seymour E. Hinchman*  
James F. Hinchman  
General Counsel