



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Captain Charles E. Marunde, USAF
File: B-247263
Date: July 23, 1992

DIGEST

Where Air Force officer was overpaid basic pay totaling \$20,089 over 23 months because of error in computing years of service, waiver of government's claim is denied for all but \$4,469 of amount incurred in first 6 months of military service, because the officer could have detected subsequent overpayments by comparing his leave and earnings statement to standard pay chart he had been provided.

DECISION

Captain Charles E. Marunde, USAF, has asked us to reconsider our Claims Group's partial denial of his request for waiver of the government's claim against him for erroneous payments of pay he received from February 1989 until December 1990.

For the reasons stated below, we affirm the decision of the Claims Group.

Captain Marunde was overpaid a total of \$20,089.41 in basic pay over a 23-month time period. From February 1989 (the time he joined the Air Force) until September 1989, he was receiving basic pay as a first lieutenant with over 6 years of service, instead of the proper pay for a first lieutenant with less than 2 years of service, resulting in an overpayment of \$4,469.01. In September 1989, he was promoted to captain and until December 1990, received basic pay as a captain with 14 years of service instead of a captain with under 2 years of service, resulting in an additional erroneous payments totalling \$15,620.40.

The Air Force recommended and our Claims Group agreed that the initial overpayment should be waived because Captain Marunde was then new to the military and unfamiliar with the pay system. However, by the time of his promotion, he had been in the service for 6 months and had received a pay chart. Waiver of this amount was denied because, if Captain Marunde had reviewed the pay chart he received, he would have found that a captain with under 2 years of

service should have received \$1,786.80 per month while his leave and earnings statement showed he was receiving \$2,877.90.

In support of his appeal, Captain Marunde states that he questioned personnel in the Accounting and Finance Office at his base and was assured his pay was correct and that, being new to the military, he thought that his pay plus his quarters and rations would total his monthly pay as shown on the pay chart.

It is clear from the leave and earnings statements how the amount of his pay is apportioned between basic pay, quarters and rations. Had Captain Marunde checked the amount of basic pay he was receiving against the amount shown on the pay chart for members in his category, he would have determined there was a substantial difference between the two, which Captain Marunde, in our view, had a duty to inquire into, notwithstanding his unfamiliarity with military pay. James L. Grahl, B-239274, July 12, 1990.

We have also held that financial hardship incurred as a result of denial of waiver provides no legal basis for granting it. Daniel N. Koharski, B-244882, Nov. 15, 1991.

Accordingly, we sustain the action of the Claims Group.

for Seymour Ego
James F. Hinchman
General Counsel