

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

Office of the General Counsel

B-249027

November 5, 1992

Dear Sergeant :

This is in response to your appeal of Claims Group settlement Z-2861532, dated September 1, 1989, which denied your claim to retain the reimbursement you received for temporary duty (TDY) travel. That settlement is affirmed.

You acknowledge that you submitted inaccurate and inflated travel vouchers for TDY assignments to various locations in Spain and France between September 1985 and August 1987. The Air Force Office of Special Investigations submitted a report which the Defense Finance and Accounting Service used to determine the amount you must repay on account of those vouchers. The Claims Group accepted their recommendations on the amount of your debt. In particular, your appeal concerns several trips you say you made to Madrid on official business during the period in question.

This Office settles claims on the basis of the written record submitted by the government agency or department involved and the evidence submitted by the claimant. Since the burden is on the claimant to prove the liability of the government, irreconcilable disputes of fact between the agency and the claimant are settled in favor of the agency.

— , B-190070, Dec. 16, 1977.

A member seeking to retain the reimbursement he received for TDY travel has the burden of establishing the liability of the government to pay for that travel. That burden is met by documenting the travel in detail and establishing that it was essential for the transaction of official business. , B-216016, March 23, 1987. You have not met that burden. The June 1991 letter from your former supervisor, Mr. , a copy of which we received from you, does not materially add to the evidence in this case. We note that his letter does not go significantly beyond his statement to Air Force investigators, already taken into account in seeking to resolve this case.

Upon review of the record, we find no error of law or fact in the Claims Group's determination, which is therefore affirmed.

Sincerely yours,

for Seymour E. Hinchman
James F. Hinchman
General Counsel