



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

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B-179786

October 18, 1973

Mr. Arthur G. Dukakis, Director
Boston Data Collection Center
Bureau of the Census
United States Department of Commerce
Boston, Massachusetts 02116

Dear Mr. Dukakis:

In your letter of September 20, 1973, you enclosed a copy of a letter from Mr. Edward J. Muraska who claims interest at 5 percent for the period from May 20, 1970, to the present incident to a claim on unpaid wages.

You state Mr. Muraska worked as an Enumerator on the 1970 Census but due to a disagreement on the amount of pay due he did not accept the payment for his services at that time. You state there is now due him \$369.53 which he has claimed together with interest. You request a decision as to whether such interest on the claim is justified.

The voucher presented for certification should have been submitted with your request for decision. See 26 Comp. Gen. 797, 799 (1947) and 21 id. 1128 (1942) cited therein. In order to save time and since you evidently have a voucher before you, we can advise the following with respect to payment of interest.

It is well settled that the payment of interest by the Government on its unpaid accounts or claims may not be made except when interest is provided for in legal and proper contracts or when allowance of interest is specifically directed by statute. See Angarica v. Bayard, 127 U.S. 251; United States v. North American Transportation and Trading Co., 253 U.S. 330; Seaboard Air Line Ry. Co. v. United States, 261 U.S. 299; Smyth v. United States, 302 U.S. 329; United States v. Hotel Co., 329 U.S. 585. At page 260 of the Angarica case, the United States Supreme Court held that:

"* * * the United States are not liable to pay interest on claims against them, in the absence of express statutory provision to that effect. It has been established, as a general rule, in the practice of the government, that interest is not allowed on claims against it, whether such claims originated in

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contract or in tort, and whether they arise in the ordinary business of administration or under private acts of relief, passed by Congress on special application. The only recognized exceptions are, where the government stipulates to pay interest and where interest is given expressly by an act of Congress, either by the name of interest or by that of damages."

Thus, there appears to be no basis for payment of interest on Mr. Muraska's claim.

Sincerely yours,

R.F.KELLER

Deputy Comptroller General
of the United States