



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

W-178924

AUG 21 1973

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The Honorable Peter W. Rodino, Jr.  
Chairman, Committee on the Judiciary  
House of Representatives

Dear Mr. Chairman:

Reference is made to your letter dated June 15, 1973, requesting our views on H.R. 5565, a bill for the relief of Commander Howard A. Weltner, United States Naval Reserve.

The bill would relieve Commander Weltner of his liability to the United States in the amount of \$8,567.53, stated to represent overpayments of active duty pay as a member of the United States Naval Reserve in the years 1951 through March 1970 which he received as a result of an erroneous computation of creditable service for longevity purposes in establishing an incorrect pay entry base date.

Since the indebtedness in this case is of a type which appropriately may be considered for waiver under the provisions of 10 U.S.C. 2774, we referred the matter to the Secretary of the Navy on June 29, 1973, for investigation and report in accordance with the Standards for Waiver promulgated in implementation of the waiver statute, published December 8, 1972, in the Federal Register, Vol. 37, page 26096, et seq.

By letter dated July 19, 1973, copy enclosed, the Chief of Legislative Affairs, on behalf of the Secretary of the Navy, advised this Office that all of the conditions for waiver are present in this case, and expressed the view that the Department of the Navy would interpose no objection to a waiver of the overpayment in Commander Weltner's case.

Under the authority of 10 U.S.C. 2774, and in view of all the facts and circumstances involved in the case, indicating no fault on the part of Commander Weltner, we have waived the before-mentioned claim of the United States against him. The Secretary of the Navy has been advised to notify Commander Weltner of our action and of his right under the law to claim any amount of the indebtedness which may have been repaid by him.

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In view of our action in this matter, the need for private relief legislation no longer exists.

Sincerely yours,

PAUL G. DEMBLING

For the Comptroller General  
of the United States