



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

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November 19, 1973

Mr. Lee F. McClune
612 North Seventh
Weatherford, Oklahoma 73096

Dear Mr. McClune:

Reference your letter of October 3, 1973, referred to this Office by Senator Dewey F. Bartlett, which in effect appeals the settlement of September 11, 1973, issued by our Transportation and Claims Division. This settlement disallowed a part of your claim on the basis that such portion accrued prior to October 6, 1962, 10 full years prior to October 6, 1972, the date your claim was filed with this Office and was therefore barred by the statute of limitations applicable to claims filed with the General Accounting Office. The settlement also withheld \$600 of the \$1,228.76 allowed, to effect liquidation of an outstanding travel advance.

You contend that no part of your claim should be barred by the statute of limitations inasmuch as your claim was first filed with the Air Force Accounting Office in January 1963 and subsequently refilled in years 1965 and 1969.

The statute of limitations applicable to claims filed with this Office is contained in the act of October 9, 1940, ch. 788, 54 Stat. 1061, codified in 31 U.S.C. 71a, and provides as follows:

"(1) Every claim or demand * * * against the United States cognizable by the General Accounting Office under sections 71 and 236 of this title shall be forever barred unless such claim * * * shall be received in said office within ten full years after the date such claim first accrued. * * *" (Emphasis supplied.)

As explained in the settlement letter, our consideration of the portion of your claim that accrued prior to October 6, 1962, is prohibited by the above statute, because more than 10 full years have elapsed between the accrual of that portion of your claim and October 6, 1972, the date your claim was first filed with this Office. Claims filed with elements of the Department of the Air Force or other Government agencies, which were not forwarded to this Office within 10 years of the accrual date, may not be considered pursuant to the above-quoted statute. The primary

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purpose of the statute of limitations is to relieve the Government of the necessity of retaining and reviewing old records for the purpose of settling stale claims. No matter how meritorious a claim may be, this Office may make no exception to the statute nor may any extension of time be granted within which claims may be filed in this Office. B-167979, October 30, 1969. Therefore, we have no legal authority to take any further action on the portion of your claim that is barred by the statute of limitations.

You further contend that you never received the \$600 travel allowance advance as indicated in our settlement. We note from a review of the records of your case, that included therein, is a copy of Travel Voucher Number T-22625, dated May 1, 1962, which bears your signature, as payee, acknowledging receipt of a \$600 travel allowance advance on May 1, 1962. In cases such as this, where there is a discrepancy between the claimant's recollection and official records, our Office must accept as controlling the official records concerning the subject, in the absence of clear and convincing evidence indicating the official records are inaccurate. 16 Comp. Gen. 325 (1963), 19 id. 88 (1939), B-173549, June 6, 1973.

Inasmuch as you have not submitted substantial evidence to overcome the presumption that the aforementioned travel voucher is accurate, it appears that the withholding of the outstanding \$600 travel advance from the amount allowed in the settlement was proper.

Accordingly, upon review and reconsideration, we conclude that the action taken by our Transportation and Claims Division in the aforementioned settlement was correct and is therefore sustained.

Sincerely yours,

Paul G. Dembling

For the Comptroller General
of the United States

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