



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

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B-168018

November 19, 1973

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Mr. Rodney W. Kellar
1542 Hollyway, #B
Pomona, California 91766

Dear Mr. Kellar:

Reference is made to your recent letter to the President requesting payment of a basic allowance for quarters for dependent [wife] from the date of your marriage, October 3, 1968, through February 28, 1969, the date of your discharge from the United States Army, which has been forwarded to this Office for consideration.

In our decision B-168018, October 13, 1969, copy enclosed, we sustained the disallowance of your claim because it was reported to this Office that you did not have in effect a class Q allotment for your wife during the period of your claim.

Section 4 of the Dependents Assistance Act of 1950, ch. 922, 64 Stat. 795, as amended, 50 U.S.C. App. 2204, provides in pertinent part that the payment of a basic allowance for quarters for enlisted members with dependents in pay grades E-1, E-2, E-3 and E-4 (four years' or less service) shall be made only for such period as the enlisted member has in effect an allotment of pay (class Q) not less than the sum of the basic allowance for quarters to which he is entitled plus \$40, for the support of the dependent or dependents on whose account the allowance is claimed. The allotment shall not be required for the calendar month in which such member is discharged, if not immediately reenlisted, or for the calendar month in which dependency commences if the allotment is effective from the following month.

It is further provided that any delay in initiating an allotment shall not invalidate entitlement to basic allowance for quarters, providing that such allotment is made retroactive for such period as the member may elect to claim the allowance for his dependent or dependents. If the Secretary concerned finds that such delay was caused by the exigencies of the service, he may waive the allotment requirement, or the additional increment thereto, as applicable, for such retroactive period.

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In your letter to the President you enclosed a copy of Military Pay Voucher No. 24051 which indicates that for the month of January 1969, a class Q allotment was pending and that \$40 was deducted from your pay for this purpose. From this information it now appears that you had authorized a class Q allotment which was in effect during January 1969. Consequently, you are entitled to an allowance for quarters beginning January 1969, until your discharge from the Army on February 28, 1969. You are not entitled to the allowance for quarters prior to January 1969, because there is no evidence of allotment of pay before that month, nor indication that your allotment was made retroactive to cover the period prior to January 1969. Furthermore, there is nothing in the record to indicate that the Secretary of the Army or his designee has waived the allotment as provided in 50 U.S.C. App. 2204(d).

We are instructing our Transportation and Claims Division to allow that part of your claim for basic allowance for quarters with dependent (wife) for January and February 1969, and a settlement will be forthcoming.

However, we have been advised by the Finance Center, U.S. Army, that you received an overpayment on discharge for \$107.65 which sum must be deducted from the amount otherwise found due.

Sincerely yours,

Paul G. Dembling
For the Comptroller General
of the United States

Enclosure

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