



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

30801

B-177440

APR 16 1973

Mr. George H. Bayerlein, Jr.  
163 South 17th Street  
Pittsburgh, Pennsylvania 15203

Dear Mr. Bayerlein:

Reference is made to your letter of April 11, 1972, to the Finance Center, U.S. Army, Indianapolis, Indiana, which has been forwarded to this Office, in which you in effect request reconsideration of the denial by our Transportation and Claims Division on July 29, 1964, of your claim for longevity pay for fifty months' service in the Pennsylvania National Guard prior to your entry in the U.S. Army.

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The act of October 9, 1940, ch. 788, 54 Stat. 1061, 31 U.S.C. 71a, 237, provides that every claim or demand against the United States cognizable by the General Accounting Office (with certain exceptions not applicable here) shall be forever barred unless such claim be received in said Office within ten full years after the date the claim first accrued.

The record shows that you were discharged from the Army on December 10, 1953; therefore, your claim accrued no later than that date. As your claim was first received in this Office on June 22, 1964, more than ten years after the termination of your active service, it is forever barred under the act of October 9, 1940.

While you state in your correspondence that you had previously submitted claims to other agencies of the United States Government before the ten-year period expired, this action does not affect the running of the ten-year period under the act as a claim must be received at the General Accounting Office before that period expires.

Consequently, in the absence of receipt of a claim in this Office before the expiration of ten years from your discharge on

[Request for Reconsideration]

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December 10, 1953, we must sustain the Transportation and Claims Division's denial of your claim for longevity pay. See decision B-161809, July 5, 1967, copy enclosed.

Sincerely yours,

Paul G. Dembling

For the Comptroller General  
of the United States

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