



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

15124 Kramer
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In reply
refer to: B-199714

October 9, 1980

The Honorable J. William Stanton
House of Representatives

Dear Mr. Stanton:

We refer to your letter of July 17, 1980, in which you expressed an interest in the claim of Mr. William J. Martin. Mr. Martin's [claim concerns savings bonds] which he purchased monthly during his service in the Army.

It appears that Mr. Martin had an allotment from his pay for savings bonds in effect under which the bonds were to be sent to his wife, Lisa L. Martin. The resolution of Mr. Martin's claim centers around whether he subsequently filed allotment authorization forms (DA 1341) to stop the bonds being sent to his wife and start sending them to his father. Mr. Martin contends that the Army should reimburse him for the savings bonds sent to Lisa L. Martin from October 1974 through October 1975, since he states he filed the appropriate forms to remove Lisa Martin as payee and make his father William W. Martin the payee in September 1974. The Army, however, in its report to you of June 4, 1980, states that the Army Finance and Accounting Center has no record of ever receiving the authorization form which Mr. Martin claims he filed in September 1974. Apparently Mr. Martin did not check with finance personnel or his father to see if the change in allotment which he says he filed ever went into effect. As a result, Lisa L. Martin continued to receive the bonds up to Mr. Martin's discharge in November 1975.

In deciding claims, our Office does not conduct adversary hearings. Rather, it operates only on the written record presented by the parties. See, 4 C.F.R. § 31.7 (1980). Where the record before us contains a dispute of fact which renders the claim of doubtful validity and which cannot be resolved

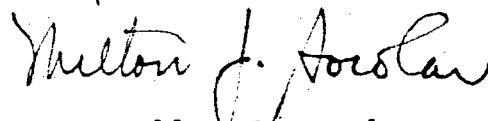
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without an adversary proceeding, it is our long standing practice to disallow the claim and leave the claimant to pursue his remedy in court, if he chooses. In this regard, both the United States District Courts and the United States Court of Claims have jurisdiction to consider certain claims against the Government if appropriate action is filed within 6 years following the date the claim first accrued. See, 28 U.S.C. §§ 1346, 1491, 2401, and 2501 (1976). In view of the Soldiers' and Sailors' Civil Relief Act, in Mr. Martin's case the 6 years would appear to have begun to run when he was discharged from the Army, November 27, 1975. See 50 U.S.C. Appendix § 525.

We trust this answers your inquiry and regret that a determination more favorable to your constituent is not possible under the circumstances. We have not informed Mr. Martin of our views in this matter.

Sincerely yours,



for the Comptroller General
of the United States