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United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

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In Reply
Reference: B-198413.

May 28, 1980

The Honorable Alice Daniel
Assistant Attorney General
Civil Division
Department of Justice

Attention: Pollie Harris McElroy, Attorney
Commercial Litigation Branch

Dear Ms. Daniel:

Subject: Theodore M. Rozelsky, Executor of the Estate
of Harry Rozdilcki v. United States
Court of Claims No. 147-80C
(Your ref. AD:DMC;PHMcElroy:slc 154-147-80C)

The purpose of this letter is to advise you of a factual error contained in our litigation report dated May 1, 1980, concerning the above-entitled case, in which the plaintiff claims arrearages of military retired pay due to Technical Sergeant Harry Rozdilcki, USA (Retired) (Deceased).

In our earlier report we stated that the Army retired pay account of Sergeant Rozdilcki had a credit balance in the total amount of only \$33.91. As we indicated then, this statement was based on information we had received from officials of the Army Finance and Accounting Center who had told us that at the time of his death Sergeant Rozdilcki had been paid all the military retired pay due to him except for the amount of \$33.91 which had accrued to his account on the last 2 days of his life, April 1 and 2, 1977.

We have since been advised by Army legal authorities that this information was erroneous. Those authorities now indicate that at the time of his death Sergeant Rozdilcki had not been paid the retired pay which accrued for the 6 years prior to the receipt of his claim by our Office; that is for the period from October 21, 1970, through October 20, 1976, in the additional amount of \$27,626.53. Thus, the total gross amount of the retired pay arrearages due in this case is \$27,660.44.

We understand that the concerned Army authorities have already advised you about this discrepancy. We have made our own separate



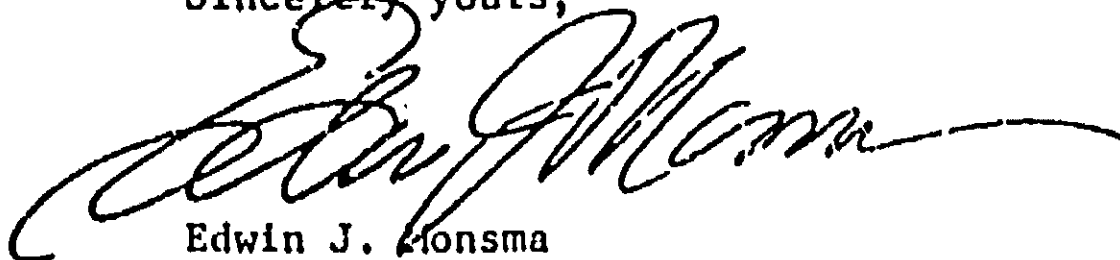
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inquiries into the matter, and we are satisfied that Sergeant Rozdilcki was in fact due military retired pay arrearages in the total amounts of \$27,660.44 at the time of his death, and that officials of the Army Finance and Accounting Center inadvertently furnished us with erroneous information earlier when they told us the amount due was only \$33.91.

We have also been advised by the Soldiers Home that they have collected all fees Sergeant Rozdilcki was required to pay them and that they are not aware of any other debt he may owe.

We will not, however, pay the plaintiff the military retired pay due Sergeant Rozdilcki at the time of his death except by authorized settlement of this suit between the plaintiff and your Department.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Edwin J. Monsma', written in black ink.

Edwin J. Monsma
Assistant General Counsel