

*Mr. Forman*

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PLM 2*

**GAO**

United States General Accounting Office  
Washington, DC 20548

Office of  
General Counsel

In Reply  
Refer to: B-189383

September 29, 1980

Mr. Frank T. Peartree  
Chief Clerk  
United States Court of Claims

Dear Mr. Peartree:

Subject: Major Joe L. Adams, et al. v. United States  
Ct. Cl. No. 275-77

In response to the Motion for Call allowed by the court on April 23, 1980, enclosed is a statement showing the amounts due Robert E. Serafin, plaintiff number 28 of the 29 plaintiffs in the subject case. The statement is based on figures supplied to us by the U.S. Army Finance and Accounting Center, Indianapolis, Indiana.

In order to fully understand the basis of the enclosed statement, some brief background information is required. Following his wrongful discharge as an officer, the plaintiff remained in the Army as an enlisted member. He became eligible to retire on May 31, 1978, but he did not retire until August 31, 1978. Upon retirement, he was reinstated to his former Reserve officer rank and his retired pay was calculated on this basis.

The enclosure sets forth the active duty pay and allowances due the plaintiff as a warrant officer from his date of wrongful discharge, September 30, 1975, until he became eligible to retire on May 31, 1978. Since he was in an enlisted status during this period, there are no deductions for civilian earnings or Veterans Administration benefits. The only deductions are, therefore, the amounts he received upon his wrongful discharge and his subsequent earnings as an enlisted member.

For the period he remained in the Army after completing his 20 years of active duty for retirement, June 1, 1978, to August 31, 1978, the plaintiff has been deemed to have reverted back to his enlisted status and therefore,



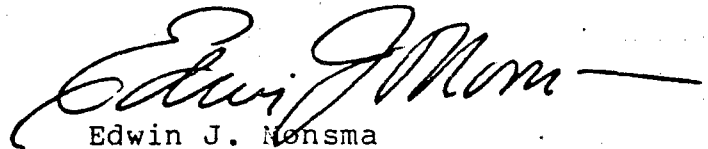
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the court order has no effect on this period of service. Additionally, the court order does not effect the plaintiff's retired pay since he was reinstated upon retirement to his Reserve officer rank. Thus, the enclosure makes no reference to the plaintiff's active duty and retired pay after May 31, 1978.

We specifically note that the plaintiff has no recovery because his backpay as a warrant officer is less than the amounts he received after his wrongful discharge, including \$15,000 readjustment pay, and subsequent earnings as an enlisted member.

Sincerely yours,

A handwritten signature in cursive script, reading "Edwin J. Monsma", followed by a horizontal line.

Edwin J. Monsma  
Assistant General Counsel

Enclosure

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ROBERT E. SERAFIN

I. AMOUNTS DUE MEMBER BEFORE DEDUCTIONS

A. Basic Pay - 30 Sept. 75 -  
31 May 78 \$37,547.83

B. Allowances - 30 Sept. 75 -  
31 May 78

1. Basic Allowance for Subsistence	\$1,781.84	
2. Basic Allowance for Quarters	705.89	
	<u>\$2,487.73</u>	2,487.73

C. Pay for Accrued Leave on Discharge - 31 May 78

1. Basic Pay (60 days)	\$2,484.00	
2. Basic Allowance for Subsistence (60 days)	119.06	
3. Basic Allowance for Quarters (60 days)	474.60	
	<u>\$3,077.66</u>	3,077.66
		<u>\$43,113.22</u>

II. DEDUCTIONS

A. Basic Pay (Enlisted Member)  
30 Sept. 75 - 31 May 78 \$28,184.93

B. Allowances - 30 Sept. 75  
31 May 78

1. Basic Allowance for Quarters	\$ 609.14	
2. Separate Rations/Leave Rations/Rations not Available	2,889.99	
3. Clothing Allowance	245.10	
	<u>\$3,744.23</u>	3,744.23

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C. Reenlistment Bonus 30 Sept. 75		303.20
D. Pay for Accrued Leave Upon Discharge - 29 Sept. 75		
1. Basic Pay (60 days)	\$2,149.80	
2. Basic Allowance for Subsistence (60 days)	101.04	
3. Basic Allowance for Quarters (60 days)	366.60	
	<u>\$2,617.44</u>	2,617.44
E. Pay for Accrued Leave (Enlisted Member) Upon Discharge - 31 May 78		
1. Basic Pay (51-1/2 days)	\$1,990.99	
2. Basic Allowance for Subsistence (26 days)	18.20	
3. Basic Allowance for Quarters (26 days)	32.50	
	<u>\$2,041.69</u>	2,041.69
F. Readjustment Pay 29 Sept. 75		15,000.00
		<u>\$51,891.49</u>
NET AMOUNT DUE MEMBER		\$ _____ .00
MEMBER'S INDEBTEDNESS TO THE GOVERNMENT		\$ 8,778.27