Text as published on gao.gov, https://www.gao.gov/products/b-124750, archived 2026-08-25. GAO published no original file for this decision. Rendered by Comptroller Desk.

B-124750, Oct. 3, 1955

Number: B-124750

Date: 1955-10-03

B-124750, OCT. 3, 1955

TO MR. WILLIAM F. MANGAN, JR., ATTORNEY AT LAW:

YOUR LETTER DATED APRIL 23, 1955, CONCERNS THE INDEBTEDNESS TO THE UNITED STATES OF GEORGE D. MCLARTY, 170 ARCH STREET, NEW BRITAIN, CONNECTICUT, BY REASON OF HIS DEFAULT ON LOAN NO. LF-G-107-NH., WHICH WAS GUARANTEED BY THE VETERANS ADMINISTRATION UNDER THE PROVISIONS OF THE SERVICEMEN'S READJUSTMENT ACT OF 1944, AS AMENDED.

YOU STATE THAT THE DEBTOR WAS UNDER TWENTY-ONE YEARS OF AGE AT THE TIME THE LOAN WAS MADE AND THAT, INASMUCH AS CONTRACTS OF A MINOR ARE VOIDABLE UNDER CONNECTICUT LAW, IT WOULD APPEAR THAT HE HAS A GOOD DEFENSE AGAINST THE GOVERNMENT'S CLAIM. YOU ALSO STATE THAT THE DEBTOR IS WITHOUT ASSETS, THAT HE RECEIVES VERY LITTLE INCOME FROM HIS EMPLOYMENT, AND IT IS YOUR BELIEF THAT HE IS ,ALMOST JUDGMENT PROOF.'

AS TO THE LAWS OF THE STATE OF CONNECTICUT RELATING TO MINORS, YOUR ATTENTION IS INVITED TO THE GENERAL STATUTES OF CONNECTICUT,REVISION OF 1949, SECTIONS 5795, 5819, 5870 AND 5884 OF WHICH PROVIDE AS FOLLOWS:

"ANY VETERAN ELIGIBLE FOR A LOAN PURSUANT TO THE SERVICEMEN'S READJUSTMENT ACT OF 1944 WHO IS A MINOR IS EMPOWERED TO ENTER INTO THE CONTRACT IN THIS STATE FOR A LOAN OR LOANS PURSUANT TO SAID ACT. THE CLAIM OF INFANCY SHALL NOT BE PLEADED IN ANY ACTION ARISING OUT OF ANY LOAN MADE PURSUANT TO THE PROVISIONS OF SAID ACT.'

HOWEVER, YOU ARE INFORMED THAT THE RECORDS BEFORE OUR OFFICE SHOW THAT THE INVOLVED LOAN WAS MADE IN THE STATE OF NEW HAMPSHIRE. THE LAWS OF NEW HAMPSHIRE, LIKEWISE, PROVIDE THAT INFANCY MAY NOT BE INTERPOSED AS A DEFENSE TO ACTIONS BY THE UNITED STATES FOR REPAYMENT OF LOANS OBTAINED BY VETERANS PURSUANT TO THE SERVICEMEN'S READJUSTMENT ACT OF 1944. FOR A CONVENIENT AND READY REFERENCE TO THE APPLICABLE PROVISIONS OF THE NEW HAMPSHIRE STATUTES, SEE MARTINDALE-HUBBELL LAW DIRECTORY, VOLUME III, FOR THE YEARS 1949 AND 1955.

THE QUESTION OF WHETHER THE DEBTOR IS JUDGMENT PROOF IS A MATTER FOR DETERMINATION BY THE DEPARTMENT OF JUSTICE, IF OR WHEN THE CLAIM IS REFERRED TO THAT DEPARTMENT FOR FORMAL COLLECTION PROCEEDINGS.

IN VIEW OF THE FOREGOING, IT IS REQUESTED THAT MR. MCLARTY ADVISE OUR OFFICE AT AN EARLY DATE AS TO HIS INTENTIONS RESPECTING PAYMENT OF THE AMOUNT DUE THE UNITED STATES.