Text as published on gao.gov, https://www.gao.gov/products/b-128557, archived 2026-07-12. GAO published no original file for this decision. Rendered by Comptroller Desk.

B-128557, Sep. 21, 1956

Number: B-128557

Date: 1956-09-21

B-128557, SEP. 21, 1956

TO HONORABLE H. V. HIGLEY, ADMINISTRATOR, VETERANS, ADMINISTRATION:

REFERENCE IS MADE TO TWO LETTERS DATED MAY 25, 1956, FROM MR. F. W. KELSEY, CONTROLLER, VETERANS ADMINISTRATION. IN ONE LETTER A REQUEST IS MADE FOR THE RELIEF OF MARGARET E. PIERSON, AUTHORIZED CERTIFYING OFFICER, PURSUANT TO PUBLIC LAW 389, 77TH CONGRESS, 31 U.S.C. 82C. IN THE SECOND LETTER IT IS REQUESTED THAT WE GIVE FAVORABLE CONSIDERATION, UNDER PUBLIC LAW 334, 69 STAT. 626, TO MISS PIERSON'S CLAIM, FORWARDED WITH THE LETTER, FOR $223.58, WHICH IS THE AMOUNT DEPOSITED BY HER TO CLEAR AN EXCEPTION STATED BY THIS OFFICE FOR ERRONEOUS AND ILLEGAL PAYMENTS CERTIFIED BY HER AS BEING CORRECT.

WITH RESPECT TO THE FIRST REQUEST FOR RELIEF, OUR OFFICE, UNDER THE AUTHORITY OF SECTION 2 OF THE ACT OF DECEMBER 29, 1941 (55 STAT. 875, 31 U.S.C. 82C), COULD HAVE RELIEVED MISS PIERSON HAD A TIMELY REQUEST FOR RELIEF BEEN SUBMITTED HERE PRIOR TO THE EXTINGUISHMENT OF HER LIABILITY TO THE UNITED STATES. HOWEVER, OUR RELIEF AUTHORITY UNDER THAT STATUTE DOES NOT EXTEND TO THE REFUNDING OF AMOUNTS PAID BY THE OFFICER AS REIMBURSEMENT OF AN ERRONEOUS PAYMENT. COMPARE OUR DECISION OF JULY 19, 1951, B-101301, TO THE THEN ADMINISTRATOR OF VETERANS' AFFAIRS INVOLVING OUR AUTHORITY TO AUTHORIZE REFUNDS UNDER A SIMILAR STATUTE.

AS TO MISS PIERSON'S CLAIM FOR REIMBURSEMENT, PUBLIC LAW 334, 69 STAT. 626, PROVIDES IN PART:

"THIS ACT SHALL BE APPLICABLE ONLY TO THE ACTUAL PHYSICAL LOSS OR DEFICIENCY OF GOVERNMENT FUNDS, VOUCHERS, RECORDS, CHECKS, SECURITIES, OR PAPERS, AND SHALL NOT INCLUDE DEFICIENCIES IN THE ACCOUNTS OF SUCH OFFICERS OR AGENTS RESULTING FROM ILLEGAL OR ERRONEOUS PAYMENTS.'

SINCE THE EXCEPTIONS RAISED AGAINST MISS PIERSON WERE FOR ERRONEOUS AND ILLEGAL PAYMENTS, SHE DOES NOT FALL WITHIN THE CLASS OF CERTIFYING OFFICERS WHO MAY BE ELIGIBLE FOR A REFUND UNDER THE PROVISIONS OF PUBLIC LAW 334. HOWEVER, IT APPEARS FROM THE INFORMATION NOW AVAILABLE THAT MISS PIERSON MAY BE ENTITLED TO A REFUND OF $56, THE AMOUNT RECOVERED SUBSEQUENT TO HER REMITTANCE EXTINGUISHING THE EXCEPTION. THIS PHASE OF THE CASE HAS BEEN REFERRED TO OUR CLAIMS DIVISION FOR APPROPRIATE ACTION AND MISS PIERSON WILL BE ADVISED OF OUR CONCLUSION.