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B-151114, Aug. 26, 1964

Number: B-151114

Date: 1964-08-26

B-151114, AUG. 26, 1964

TO THE SECRETARY OF THE TREASURY:

THIS IS IN REFERENCE TO LETTER DATED JULY 7, 1964, AND ENCLOSURES, FROM MR. R. E. PHILO, ACCOUNTING OFFICER, BUREAU OF ACCOUNTS, TREASURY DEPARTMENT, ADDRESSED TO THE CLAIMS DIVISION OF OUR OFFICE, CONCERNING PAYMENTS TO BE MADE UNDER PRIVATE LAW 88-151, 88TH CONGRESS, APPROVED DECEMBER 23, 1963.

UNDER THE PROVISIONS OF SECTION 5 (B) OF PRIVATE LAW 88-151 "THE SECRETARY OF THE TREASURY IS AUTHORIZED AND DIRECTED TO PAY OUT OF ANY MONEY IN THE TREASURY NOT OTHERWISE APPROPRIATED, TO MICHAEL J. NEOFITOU, AN AMOUNT EQUAL TO THE AGGREGATE OF ANY AMOUNTS PAID OR WITHHELD FROM SUMS OTHERWISE DUE HIM BY REASON OF THE LIABILITY REFERRED TO IN THIS SECTION.' IT IS REPORTED IN THE LETTER OF JULY 7 THAT IN REPLY TO A REQUEST FOR A CERTIFICATION OF THE AMOUNT TO BE PAID BY THE TREASURY DEPARTMENT, THE NAVAL SUPPLY CENTER, NORFOLK, VIRGINIA, IN LETTER DATED FEBRUARY 26, 1964, ADVISED YOUR OFFICE THAT ON JANUARY 31, 1964, MICHAEL NEOFITOU WAS ERRONEOUSLY PAID FROM NAVY FUNDS THE AMOUNT DUE UNDER THE TERMS OF THE ACT. THE NAVY DEPARTMENT HAS REQUESTED THAT TREASURY REIMBURSE THEM FOR SUCH AMOUNT. IT IS STATED THAT THIS IS ONE OF SEVERAL SIMILAR CASES THAT YOUR OFFICE IS PRESENTLY HOLDING AND OUR ADVICE IS REQUESTED WHETHER IT WOULD BE PROPER TO REIMBURSE THE NAVY DEPARTMENT OUT OF THE ACCOUNT "20X1706, RELIEF OF INDIVIDUALS AND OTHERS BY PRIVATE AND PUBLIC LAWS.'

THE AUTHORITY OF THE SECRETARY OF THE TREASURY TO MAKE PAYMENTS AS PROVIDED IN PRIVATE LAW 88-151, IS LIMITED TO THE INDIVIDUALS NAMED THEREIN. ALSO, THE INDIVIDUAL HERE CONCERNED, MICHAEL J. NEOFITOU, HAS BEEN PAID BY THE DEPARTMENT OF THE NAVY AND TO THAT EXTENT THE OBJECT FOR WHICH THE APPROPRIATION WAS AUTHORIZED HAS CEASED TO EXIST. IN VIEW OF THE RULE UNDER ARTICLE I, SECTION 9 OF THE CONSTITUTION OF THE UNITED STATES THAT NO MONEYS SHALL BE DRAWN FROM THE TREASURY BUT IN CONSEQUENCE OF APPROPRIATIONS MADE BY LAW, AND SECTION 3678, REVISED STATUTES, THAT MONEYS APPROPRIATED FOR ONE OBJECT MAY NOT BE USED FOR A DIFFERENT OBJECT, REIMBURSEMENT MAY NOT BE MADE TO THE DEPARTMENT OF THE NAVY.