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B-230658 June 14, 1988

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When payee claims nonreceipt of original check, Army policy is to issue recertified check after 3-day waiting period. In case of payroll checks which are mailed prior to actual pay day, 3-day period includes mailing days prior to pay day, although Army will not issue recertified check prior to pay day. In considering relief requests for duplicate check losses, GAO will not raise question of due care solely because of application of 3-day waiting period, but cautions that automatic recertification after only 3 days may be inappropriate in some circumstances, for example, multiple requests by the same individual.

Edwin S. Campbell, Supervisory Attorney-Advisor Acting Chief, General Law Division U.S. Army Finance and Accounting Center Indianapolis, Indiana46249

Dear Mr. Campbell:

We were pleased to receive your letter of March 3, 1988. In that letter you explained the Army's 3-day policy toward the issuing of recertified checks and asked if GAO was in agreement with that policy.Under this policy, mailing days in advance of pay days will count toward the 3-day period a payee must wait before he or she can claim non-receipt of the original paycheck but in no case, will a recertified check be issued prior to pay day.We are in general agreement with this policy.

As you know, in the past GAO has expressed concern with the issuing of a substitute check without allowing sufficient time to allow for possible delays in the mail. See B-201286, May l, although we thought that allowing payees to claim non-receipt of their checks 3 days after the issuance of the original check may often be premature, we accepted your judgment that the 3-day period is justified in most cases, due to the possible hardship to individuals where payments are delayed. id. Accordingly, we determined that we would not raise a question of due care solely on the basis of application of the 3-day waiting period by disbursing officers. Id.

Under the Army's regulations, which were revised effective January 4, 1988, payroll checks may be mailed in such a manner that payees will receive them on the established pay day. AR 37-103, para. 5-21(b).Pursuant to this regulation, finance officers mail certain checks (i.e., payroll checks for civilian employees) in advance of pay day. The Army applies the 3-day waiting period to both substitute and recertified checks. /l/ It is the Army's position that the 3-day waiting period should include the mailing days. By way of illustration, using the standard Army civilian pay day of Thursday, you state that if the finance officer mails civilian pay checks on Tuesday, a payee may claim

non-receipt if he or she did not receive the check in Friday's mail. In other words, the 3-day waiting period is not calculated from the issuing date (the date on the original check), but rather the mailing date.

In general, we have no difficulty with using the mailing date to calculate the 3-day waiting period. We have done this in the past. /2/ The purpose of the 3-day waiting period--that is, to allow enough margin for possible mail delays before issuing a second check--would be satisfied. However, we would caution, as we have done in the past, that there may be circumstances where it would not be advisable to issue a duplicate check within 3 days from either the mailing date or issuance date of the original check. See B-220846, Sept. 23, l986) B-220500, Sept. 15, l986. For example, if a payee has made multiple requests for duplicate payments or if the request for a duplicate check is for the payee's final check, the finance officer may want to verify the status of the original check before issuing a duplicate payment.

Finally, it would be helpful when sending in relief requests to our Office if the submission includes the mailing date of the check, if it has been mailed in advance of the pay day.

Sincerely yours,

(Mrs.) Rollee H. Efros Associate General Counsel

1. Substitute checks are generally no longer available. See Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies, Bulletin No. 83-28.

2. In B-2l5l70, November 28, l984, we concluded that even though there was only a 2-day interval between the date on an original check and the corresponding substitute check, there had actually been sufficient time to justify a determination that the payee had not received the original check, since the original check was mailed several days prior to the date written on its face.