Text as published on gao.gov, https://www.gao.gov/products/b-41659, archived 2026-07-10. GAO published no original file for this decision. Rendered by Comptroller Desk.

B-41659 May 26, 1944

Number: B-41659

Date: 1944-05-26

B-41659 May 26, 1944

First Lieutenant Jno. F. Pearce, AAQM, USMC, Headquarters U.S. Marine Corps

Dear Lieutenant Pearce:

Reference is made to your letter of April 22, 1944, requesting decision whether you are authorized to make payment on a voucher transmitted therewith in favor of Fred W. Smith, Chief of Police, through of Brookville, Pennsylvania, and Joe Vetro, Constable, Sykesville, Pennsylvania, in the amount of $50 for services rendered in the apprehension and delivery to the Marine Corps custody of Private Mike John Norco, USMCR (deserter). Also, you request to be informed whether the collection required to be made from the officer administratively found responsible for failure to effect checkage prior to the deserter's discharge, must be accomplished prior to such payment.

Article 18-75, (1) and (2), Marine Corps Manual, provides:

"(1) Payment of reward.--A reward not exceeding $50 will be paid for the apprehension and delivery of a deserter, and one not exceeding $25 for the delivery of a straggler, when offered by the Major General Commandant, the commanding officer of a post, a recruiting officer, the commanding officer of a naval vessel, or a depot quartermaster. In specified cases, when by reason of the distance to be traveled the amount of the reward would not compensate, transportation may be furnished, upon order of the Major General Commandant, to the civil officer for round trip for himself between place of arrest and place of delivery in addition to the reward.

"(2) Payment of a reward for the delivery of a deserter is not authorized where no reward was offered prior to such delivery. However, in such a case the necessary expenses incurred in such delivery by the person making the same may be paid upon approval by the Major General Commandant (20 Comp. Dec. 767)."

Article 7-5, Marine Corps Manual, provides:

"Offer of reward, where sent.-A signed copy of the offer of reward for the apprehension and delivery of a deserter or straggler will be sent to the Director, Personnel Department, direct, without delay; to the recruiting offer nearest the place of the deserter's usual residence; to the deserter's next of kin; to the mayor (or chief of police) of the town where he resided at date of enlistment; to the chiefs of police of any other towns to which it is thought he may have proceeded, the selection being governed by facts obtained from his military history, declarations to comrades, or other sources of information; and

to such detective agencies as may be designated. A copy of the offer of reward will also be pasted in the man's service-record book."

Article 18-76(3) of the Marine Corps Manual provides as follows:

"Officers will be held pecuniarily responsible for losses sustained by the Government through their failure to request the checkage prescribed in this and the preceding article or their failure to comply with requests for such checkages."

Submitted with your letter is a copy of "Reward" dated Marine Barracks, Navy Yard, Portsmouth, Virginia, September 24, 1943, offering a reward of $50 for the delivery of Mike John Norco, private, USMCR (deserter). It appears that the deserter was apprehended September 26, 1943, by J. Vetro, Constable of Sykesville, Pennsylvania, and delivered the same date to the Marine Corps Recruiting Station, Pittsburgh, Pennsylvania, by Fred W. Smith, Chief of Police of Brookville, Pennsylvania. Your doubt in the matter appears to arise form the uncertainty as to whether the claimants had knowledge that a reward in fact had been offered and had delivered the deserter pursuant to such offer of reward.

It is stated in 27 Comp. Dec. 47, 48, that:

"Whenever such a reward is offered, the acceptance of the offer, as manifested by the delivery of the deserter into the hands of the naval authorities at the designated place, fixes the obligation of the Government to pay, as if on a contract obligation to pay for a service rendered. 20 Comp. Dec. 768.

"The offer of the reward and the performance of the service for which it was offered completed the contract, and the officer who performed the service is clearly entitled to receive the reward in accordance with the terms of the offer."

Also, it was held in said decision that when a reward has been offered and accepted by delivery of the deserter into the hands of the naval authorities at the designated place, the Government is obligated to pay the reward, and the officer who delivered the deserter is entitled to receive the reward without regard to whether the amount thereof can be collected from the deserter. 69 MS. Comp. Dec. 109, April 6, 1914; A.D. 6332, January 3, 1922, 5 MS. Comp. Gen. 1.

Accordingly, payment on the voucher, returned herewith, is authorized, if otherwise proper, without awaiting the collection of $50 required to be made from the officer administratively found responsible for failure to effect checkage prior to the deserter's discharge.

Respectfully,

Frank L. Yates Assistant Comptroller General of the United States

Enclosure