

PLM-11
Mr. Guritz



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

12679

IN REPLY REFER TO: B-140972

January 25, 1980

Mrs. Doris B. Chace Adams
1901 B Faith Place
Gretna, Louisiana 70053

Dear Mrs. Chace Adams:

This letter is in response to yours dated December 7, 1979, in which you request reconsideration of Comptroller General's decision B-140972, October 24, 1979, denying your claim for additional amounts believed due on account of action taken by the Department of the Army in 1976 to upgrade the character of your late husband's military discharge certificate.

In your letter you express the belief that the change in the discharge characterization from "under other than honorable conditions" to "under honorable conditions (General)" establishes that an injustice was done when your husband was separated from the Army in February 1951, and that you should therefore be reimbursed for what that first discharge did to him both physically and mentally. You also suggest that your husband was denied payment for accrued leave and mustering-out pay in February 1951 on account of his discharge "under other than honorable conditions," and that payment should now be made based on the upgraded character of the discharge even though his military pay and leave records are no longer in existence.

Payment based on the 1976 change in the character of your husband's discharge certificate is limited under existing law to the additional military pay and allowances he would have received in February 1951 had he been separated from the Army with a general discharge at that time. Therefore, compensation may not be paid in any amount for the military pay, allowances, medical care, and other benefits he might have received after February 1951 if he had remained on active duty with the Army.

Determinations by our Office are made on the basis of the written record. You have previously received

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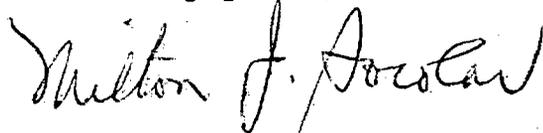
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payment of the additional travel allowances your husband would have received in 1951 if he had then received a discharge under "general" rather than "other than honorable" conditions. We are unable to determine what further amounts, if any, might have been payable to him in February 1951, as mustering-out pay and payment for accrued leave, since his military pay and leave records no longer exist. Thus, we have no alternative but to disallow those claims.

We understand your disappointment with the conclusions reached herein. Nevertheless, as stated above, our Office has no basis under present law for revising the October 24 decision.

Sincerely yours,

A handwritten signature in cursive script that reads "Milton J. Fowler". The signature is written in dark ink and is positioned below the typed name.

For The Comptroller General
of the United States



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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IN REPLY REFER TO: B-140972

January 25, 1980

The Honorable Lindy (Mrs. Hale) Boggs
Member, United States House of
Representatives
1012 Hale Boggs Federal Building
New Orleans, Louisiana 70130

Dear Mrs. Boggs:

Further reference is made to your letter dated December 18, 1979, with enclosure, on behalf of Mrs. Doris B. Chace Adams, 1901 B Faith Place, Gretna, Louisiana 70053. Mrs. Adams requests reconsideration of our decision B-140972, October 24, 1979, denying her claim for additional amounts believed due on account of action taken by the Department of the Army in 1976 to upgrade the character of her late husband's military discharge certificate from "under other than honorable conditions" to "under honorable conditions (General)."

Enclosed is a copy of our letter of today to Mrs. Chace Adams, in which we provided her with a further explanation for the determination made in her case and advised her that the information contained in her latest correspondence did not furnish us with a basis for revising our October 24, 1979 decision concerning her claim.

We trust this will serve the purpose of your inquiry and again regret we were unable to reach a conclusion more favorable to Mrs. Chace Adams.

Sincerely yours,

For The Comptroller General
of the United States

Enclosure