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United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-140972

August 27, 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:

We refer to your letter dated July 16, 1980, with enclosure, on behalf of your constituent, Mrs. Doris B. Chace Adams, 1901 B Faith Place, Gretna, Louisiana 70053. Mrs. Adams expresses continued dissatisfaction concerning our decision B-140972, October 24, 1979, denying her claim for additional amounts of military pay and allowances believed due on account of the action taken by the Army Discharge Review Board in 1976 to upgrade the character of her late husband's Army discharge certificate from "other than honorable" to "general."

Specifically, in separate undated correspondence that we received from Mrs. Adams on June 26, 1980, she suggested that her husband's military pay and leave records were improperly lost or destroyed by Government agents in the years since he was discharged from the Army in 1951. In addition, she suggested that the loss or destruction of those records was an unacceptable reason for our denial of her claim for amounts of mustering-out pay and an unused accrued leave payment her husband might have received in 1951 if he had been discharged under "general" rather than "other than honorable" conditions at that time.

Enclosed as requested is a copy of the July 31, 1980 letter of reply to Mrs. Adams explaining the rules relating to the retention of Army records.

In her letter to you dated June 23, 1980, Mrs. Adams also mentions the question of how the upgrading of her husband's military discharge certificate might affect her Social Security benefits. In that connection, she expresses unhappiness about a letter she received from



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B-140972

the Social Security Administration. Under 42 U.S.C. 405(h) the General Accounting Office is precluded from ruling upon questions concerning such benefits under the jurisdiction of the Social Security Administration.

Our jurisdiction in Mrs. Adams' case is limited to the question of her entitlement to have additional military pay and allowances accruing to her husband's credit as the result of the upgrading of his Army discharge. As indicated in the attached letter, we have no basis for revising our October 24, 1979 decision regarding her claim for additional military pay, and we cannot properly or lawfully authorize further payments beyond those which have previously been made to her.

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

Sincerely yours,

Harry R. Chis Clave

for Milton J. Socolar
General Counsel

Enclosure