

DECISION

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

FILE: B-183798

DATE: AUG 22 1975

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MATTER OF:

Claim of Captain Andre G. LaFitte, French Air Force

DIGEST:

Claim of French Air Force officer for value of property stolen from car while traveling from temporary duty post to Air Force Academy is not of such extraordinary nature as to be properly submitted to Congress under Meritorious Claims Act, 31 U.S.C. § 236.

By letter dated April 22, 1975, the Office of the Judge Advocate General, Department of the Air Force, forwarded a claim for \$5,063.99 by Captain Andre G. LaFitte, a French Air Force officer assigned to the United States Air Force Academy, for our consideration under the provisions of the so-called Meritorious Claims Act of 1928, 31 U.S.C. § 236. The claim is for the value of personal property stolen from Captain LaFitte's automobile while parked on a street in Bonita Springs, Florida, when he was returning to the Air Force Academy from temporary duty at Homestead Air Force Base, Florida.

The Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. §§ 240-243, which provides for payment of claims for loss of personal property incident to service, is applicable only to employees of the United States Government. Accordingly, there is no legal basis for payment of the claim. The Meritorious Claims Act provides that when a claim against the United States is filed in this Office that may not be lawfully paid from appropriated funds, but which claim in our judgment contains such elements of equity as to be deserving of the consideration of the Congress, it shall be submitted to the Congress with our recommendations. The remedy is an extraordinary one and its use is limited to extraordinary circumstances.

We do not consider the claim to be of this extraordinary nature. While we appreciate the serious material loss which has been suffered, there are unfortunately numerous other cases where official and unofficial visitors to this country have had personal property stolen from them, and it would not be reasonable to expect that all such losses would be redressed through congressional appropriation. There does not appear to be any reason to treat this case as a special exception.

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E-123798

For the above reasons, we do not believe that the claim should be reported to the Congress for consideration pursuant to the Meritorious Claims Act of 1928.

E.F. KELLER

Acting

Comptroller General
of the United States